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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

VALERIE D. WATSON-SMITH, AND ALL
 OTHERS SIMILARLY SITUATED,

Plaintiff,

vs.

SPHERION PACIFIC WORKFORCE, LLC, and
 DOES 1 through 100, inclusive,

Defendants.

No. C07-05774

**DECLARATION OF DANIEL H.
 QUALLS IN SUPPORT OF
 PLAINTIFF VALERIE WATSON-
 SMITH'S;**

**1) MOTION TO COMPEL
 RESPONSES TO PLAINTIFF'S
 INTERROGATORIES AND
 INSPECTION DEMANDS; AND**

**2) PLAINTIFF'S MOTION FOR
 SANCTIONS**

Date: September 24, 2008

Time: 3:00 p.m.

Courtroom: 4, 3rd floor

Judge: Honorable Wayne D. Brazil

I, Daniel H. Qualls, declare as follows:

1 1. I am an attorney at law, duly licensed to practice before all the courts of the State of
2 California, and am a Partner with the law firm of Qualls & Workman, L.L.P., attorneys of record
3 herein for Plaintiff Shavotnae Goldsby. The following is based on my personal knowledge, and if
4 called upon to do so, I could and would competently testify thereto.

5 2. On February 14, 2008, Plaintiff served her First Set of Interrogatories on Spherion.
6 Spherion served its responses on March 18, 2008. Attached hereto as Exhibits A and B are true
7 and correct copies of Plaintiff's First Set of Interrogatories and Defendant's Responses.

8 3. On April 14, 2008, Plaintiff served her Second Set of Interrogatories on Spherion.
9 Spherion served its responses on May 15, 2008. Attached hereto as Exhibits C & D are true and
10 correct copies of Plaintiff's Second Set of Interrogatories and Defendant's Responses.

11 4. On June 25, 2008, Plaintiff served her Third Set of Interrogatories on Spherion.
12 Spherion served its responses on July 17, 2008. Attached hereto as Exhibits E & F are true and
13 correct copies of Plaintiff's Third Set of Interrogatories and Defendant's Responses.

14 5. On February 14, 2008, Plaintiff served her First Set of Inspection Demands on
15 Spherion. Spherion served its responses on March 18, 2008. Defendant has not produced records
16 in response to requests 7, 11, and 12. Attached hereto as Exhibits G & H are true and correct
17 copies of Plaintiff's First Set of Inspection Demands and Defendant's Responses.

18 6. On April 14, 2008, Plaintiff served her Second Set of Inspection Demands on
19 Spherion. Spherion served its responses on May 15, 2008. Attached hereto as Exhibits I & J are
20 true and correct copies of Plaintiff's Second Set of Inspection Demands and Defendant's
21 Responses.

22 7. On June 25, 2008, Plaintiff served her Third Set of Inspection Demands on
23 Spherion. Spherion served its responses on July 17, 2008. Attached hereto as Exhibits K&L are
24 true and correct copies of Plaintiff's Third Set of Inspection Demands and Defendant's Responses.

25 8. I met and conferred with Defendant's lead counsel Alfred L. Sanderson, on August
26 7, and again on August 18, 2008, to discuss the disputed discovery presented by this motion.
27 Counsel were unable to resolve the discovery disputes presented here.

28

1 9. Defendant failed to provide the requested contact information in response to
2 interrogatory number 6. When I met and conferred with Mr. Sanderson to obtain the requested
3 contact information, he informed me that Defendant would not provide the requested information
4 without prior written notice to putative class members affording the right to object to release of
5 contact information. I informed Mr. Sanderson that Plaintiff did not agree to this limitation, as it
6 is not prescribed by federal procedure and would entail an undue discovery delay, particularly in
7 light of the November 11, 2008, class certification motion filing deadline set in this case by Judge
8 White.

9 10. As I further explained a Belaire type notice entails a three step process typically
10 requiring 6 weeks or more to complete before contact information is provided to the requesting
11 plaintiff. Such a delay is prejudiced to Plaintiff. Attached hereto as Exhibit M is a true and
12 correct copy of Order Re: Privacy Notice/Letter To Putative Class Members, Wallace Ralston v.
13 US-Reports, Inc., Alameda County Superior Court Case No. RG07328773.

14 11. On April 2, 2008, the Court ordered Spherion to produce a witness competent to
15 testify, pursuant to Federal Rule of Civil Procedure (FRCP) 30 (b)(6), regarding Spherion's
16 policies and practices for granting meal periods for hourly employees during the proposed class
17 period. On May 30, 2008, Spherion produced such witness, Spherion manager Joan Orzo (Orzo).
18 Orzo testified that branch employees who process timesheets for Spherion temporary employees
19 working at customer sites review such timesheets to ensure meal periods are provided employees.
20 Attached hereto as Exhibit N. is a true and correct copy of Joan Orzo's deposition testimony.

21 12. I have spent 10.5 hours meeting and conferring with Defendant's counsel regarding
22 the discovery issues presented by Plaintiff's motion to compel, and preparing the motion itself. I
23 anticipate an additional 10 hours of professional time will be required to prepare a reply brief in
24 support of Plaintiff's motion, and to attend the hearing on said motion. My firm has been awarded
25 lodestar fees in class action cases in California state and federal proceedings at the rate of \$ 475.00
26 per hour, which is my professional hourly rate. Time spent and to be spent on Plaintiff's motion
27 to compel, when multiplied by my professional rate of \$ 475 per hour, results in a cost to Plaintiff
28 for the motion to compel filed August 19, 2008, of \$ 9,737.

1 I declare under penalty of perjury that the foregoing is true and correct and that this
2 Declaration was executed August 19, 2008, in San Francisco, California.

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4 /S/
5 DANIEL H. QUALLS
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EXHIBIT A

1 Daniel H. Qualls, Bar No. 109036
 Robin G. Workman, Bar No. 145810
 2 **QUALLS & WORKMAN, LLP**
 244 California Street, Suite 410
 3 San Francisco, CA 94111
 Telephone: (415) 782-3660
 4 Facsimile: (415) 788-1028

5 David Sanford, D.C. Bar No. 457933
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 10 1666 Connecticut Avenue, N.W., Suite 310
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 11 Telephone: (202) 742-7783
 Facsimile: (202) 742-7776

12 *Attorneys for Plaintiff*

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

17 VALERIE D. WATSON-SMITH, AND ALL	}	No. C07-05774	
18 OTHERS SIMILARLY SITUATED,		}	PLAINTIFF VALERIE D. WATSON-
19 Plaintiff,			SMITH'S FIRST SET OF
20 vs.			INTERROGATORIES TO
21 SPHERION PACIFIC WORKFORCE, LLC, and	}	DEFENDANT SPHERION PACIFIC	
22 DOES 1 through 100, inclusive,		WORKFORCE, LLC.	
23 Defendants.		F.R.C.P. 33	

24 PROPOUNDING PARTY: Plaintiff Valerie D. Watson-Smith
 25 RESPONDING PARTY: Defendant Spherion Pacific Workforce, LLC
 26 SET: One

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 28

Pursuant to Federal Rules of Civil Procedure, Rule 33, Plaintiff Valerie D. Watson-Smith ("WATSON-SMITH") hereby requests that Defendant Spherion Pacific Workforce, LLC ("SPHERION") answer in writing and under oath the following interrogatories:

INTERROGATORY NO. 1:

IDENTIFY the **CONTACT INFORMATION** of **ALL PERSONS** employed by **YOU** in California from September 27, 2003, **AND** the present, paid on an hourly basis for whom Spherion records depict a meal period not taken. (The term "**CONTACT INFORMATION**" refers to the name, address, email address and telephone number) (The term "**PERSON**" refers both to natural persons and to corporate or other business entities such as a firm, partnership, proprietorship, association or any other organization or entity). (To "**IDENTIFY**" a **PERSON** means to state the person's name and business address, and additionally, in the case of a natural person, his home address, e-mail, occupation or job title and employer both presently and at the time to which the interrogatory relates and such other information as should be sufficient to notice the deposition of such person and to serve such person with a subpoena). (To "**IDENTIFY ALL DOCUMENTS**" means to provide a brief description of each document sufficient to support a request for production, including at least the type of document, date of the document, identification of the author and recipient (if any), all persons who received or saw copies). (The terms "**DOCUMENT**" or "**DOCUMENTS**" shall mean any tangible thing upon which any expression, communication or representation has been recorded by any means including, but not limited to, "**COMPUTER RECORDS**," "**E-MAIL RECORDS**," handwriting, typewriting, printing, Photostatting, photographing, audio taping, videotaping, magnetic impulse, or mechanical or electronic recording and any nonidentical copies (whether different from the original because of notes made on such copies, because of indications that said copies were sent to different individuals than were the originals, or because of any other reason), including but not limited to working papers, preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes, scripts, records of any sort of meetings, invoices, financial statements, financial calculations, diaries, reports of telephone or other oral conversations, desk calendars, appointment books, audio or video tape

1 recordings, microfilm, microfiche, computer tape, computer disk, computer printout, computer card,
2 and all other writings and recordings of every kind that are in **YOUR** actual or constructive
3 possession, custody or control. The term "**COMPUTER RECORDS**" shall mean any tangible
4 thing upon which any expression, communication or representation has been recorded by any means
5 including, but not limited to, network server storage, backup storage, online server storage,
6 microfilm, microfiche, computer tape, computer disk, computer floppy diskette, computer printout,
7 computer card, computer hard drive, computer floppy drive, removable computer drive storage,
8 scanner, computer facsimile, printing, Photostatting, photographing, video recording, audio
9 recording, magnetic impulse, or other means of electronic recording and any nonidentical copies
10 (whether different from the original because of notes made on such copies, because of indications that
11 said copies were sent to different individuals than were the originals, or because of any other reason),
12 including but not limited to working papers, preliminary, intermediate or final drafts, correspondence,
13 memoranda, charts, notes, scripts, records of any sort of meetings, invoices, financial statements,
14 financial calculations, diaries, reports of telephone or other oral conversations, calendars, task
15 schedulers, audio or video recordings, and all other writings and recordings of every kind that are in
16 **YOUR** actual or constructive possession, custody or control. The term "**E-MAIL RECORDS**" shall
17 mean any and all tangible thing upon which any expression, communication or representation has
18 been recorded by any means including, but not limited to, any form of electronic mail, Internet online
19 e-mail, any form of interoffice and/or intraoffice network e-mail, printouts of documents from
20 Internet online e-mail or interoffice and intraoffice network e-mail, including any copies which may
21 be stored electronically in any manner including, but not limited to, network server storage, backup
22 storage, online server storage, microfilm, microfiche, computer tape, computer disk, computer floppy
23 diskette, computer printout, computer card, computer hard drive, computer floppy drive, removable
24 computer drive storage, scanner, computer facsimile, printing, Photostatting, photographing, video
25 recording, audio recording, magnetic impulse, or other means of electronic recording and any
26 nonidentical copies (whether different from the original because of notes made on such copies,
27 because of indications that said copies were sent to different individuals than were the originals, or
28 because of any other reason), including but not limited to working papers, preliminary, intermediate

1 or final drafts, correspondence, memoranda, charts, notes, scripts, records of any sort of meetings,
 2 invoices, financial statements, financial calculations, diaries, reports of telephone or other oral
 3 conversations, calendars, task schedulers, audio or video recordings, and all other writings and
 4 recordings of every kind that are in **YOUR** actual or constructive possession, custody or control).
 5 (The terms "**YOU**," "**YOUR**" or "**YOURS**" refer to Spherion and, if applicable, the agents,
 6 employees, officers, and directors of same or of any subsidiary or divisions thereof, and their
 7 attorneys and those persons employed by their attorneys.) (As used herein, the term "**ALL**" is
 8 synonymous with "**ANY**" and the term "**OR**" means "**AND/OR**"). (As used herein, the term
 9 "**REGARDING**" means relating to, referring to, pertaining to, reflecting, substantiating,
 10 evidencing, constituting, or in any manner whatsoever logically or factually connected with the
 11 matter referenced, whether in whole or in part.)

12 **INTERROGATORY NO. 2:**

13 **IDENTIFY** the period of employment for each **PERSON** employed by **YOU** in California
 14 from September 27, 2003, **AND** the present, paid on an hourly basis for whom Spherion records
 15 depict a meal period not taken.

16 **INTERROGATORY NO. 3:**

17 **IDENTIFY** the number of **PERSONS** employed by **YOU** in California between
 18 September 27, 2003, **AND** the present paid on an hourly basis for whom Spherion records depict a
 19 meal period not taken.

20 **INTERROGATORY NO. 4:**

21 **IDENTIFY ALL PERSONS** employed by **YOU** in California paid on an hourly basis
 22 between September 27, 2003, **AND** the present who complained to **YOU REGARDING** the
 23 absence of meal period breaks.

24 **INTERROGATORY NO. 5:**

25 **IDENTIFY** the number of **PERSONS** employed by **YOU** in California between
 26 September 27, 2003 and the present, paid on an hourly basis.

1 **INTERROGATORY NO. 6:**

2 IDENTIFY ALL PERSONS employed by YOU in California between September 27,
3 2003 AND the present who performed recruiting services for Cisco Systems, Inc.

4 **INTERROGATORY NO. 7:**

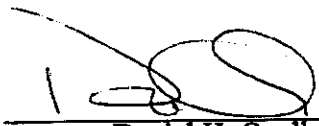
5 IDENTIFY ALL persons employed by YOU in California between September 27, 2003,
6 AND the present with a home based work site.

7 **INTERROGATORY NO. 8:**

8 IDENTIFY ALL persons employed by YOU in California between September 27, 2003,
9 AND the present who performed recruiting services for Kaiser Permanente/Kaiser Foundation
10 Health Plan.

11
12 Date: February 14, 2008

QUALLS & WORKMAN, LLP

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15 Daniel H. Qualls
16 Attorney For Plaintiff
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PROOF OF SERVICE

I, Tammy M. Mazzullo, hereby declare:

I am employed in the City and County of San Francisco, California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Qualls & Workman, L.L.P., 244 California Street, Suite 410, San Francisco, California. On February 14, 2008, I served **PLAINTIFF VALERIE D. WATSON-SMITH'S FIRST SET OF INTERROGATORIES TO DEFENDANT SPHERION PACIFIC WORKFORCE, LLC.** on the interested parties in this action via mail by placing a true copy thereof, on the above date, enclosed in a sealed envelope following the ordinary business practice of Qualls & Workman, for collection and mailing in the United States mail addressed as set forth below:

Alfred L. Sanderson, Jr., Esq.
SEYFARTH SHAW, LLP
400 Capitol Mall, Suite 2350
Sacramento, CA 95814-4428

I am personally and readily familiar with the business practice of Qualls & Workman for collection and processing of documents for mailing with the U.S. Postal Service, pursuant to which mail placed for collection at designated stations in the ordinary course of business is deposited the same day, proper postage prepaid, with the U.S. Postal Service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on February 14, 2008 in San Francisco, California.


Tammy M. Mazzullo

EXHIBIT B

SEYFARTH SHAW LLP
 Samuel T. McAdam (SBN 186084)
 Alfred L. Sanderson, Jr. (SBN 186071)
 Anthony J. Musante (SBN 252097)
 400 Capitol Mall, Suite 2350
 Sacramento, California 95814-4428
 Telephone: (916) 448-0159
 Facsimile: (916) 558-4839

Attorneys for Defendant
 Spherion Atlantic Enterprises, LLC

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

VALERIE D. WATSON-SMITH, AND ALL
 OTHER SIMILARLY SITUATED,

Plaintiff,

v.

SPHERION PACIFIC WORKFORCE, LLC,
 and DOES 1 through 100, inclusive

Defendant.

Case No. C 07 05774 JSW

**DEFENDANT'S RESPONSE TO
 PLAINTIFF'S FIRST SET OF
 INTERROGATORIES**

F.R.C.P. 33

Superior Court of California, County of
 Alameda Case Number: 07348378

Complaint Filed: September 27, 2007

PROPOUNDING PARTY: PLAINTIFF VALERIE D. WATSON-SMITH

RESPONDING PARTY: DEFENDANT SPHERION ATLANTIC ENTERPRISES, LLC

SET NUMBER: ONE

Defendant SPHERION ATLANTIC ENTERPRISES, LLC, sued herein as SPHERION
 PACIFIC WORKFORCE, LLC, by and through its attorneys, Seyfarth Shaw LLP, and for its
 Response to Plaintiff's First Set of Interrogatories, hereby submits its Response to Plaintiff
 VALERIE D. WATSON-SMITH, and states as follows:

PRELIMINARY STATEMENT

Spherion has not completed its investigation, discovery, or analysis, of all the facts of this
 case and has not completed preparation for trial. Accordingly, each of the following responses is
 provided without prejudice to Spherion's right to introduce in response to any motion or at trial

DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

1 any evidence that is subsequently discovered relating to the proof of subsequently discovered
2 material facts. Moreover, facts, documents, and things now known may be imperfectly
3 understood and, accordingly, such facts, documents, and things, may not be included in the
4 following responses. Spherion reserves the right to reference, discover, or offer into evidence at
5 any motion hearing or at the time of trial any and all facts, documents, and things which they do
6 not presently recall but may recall at some time in the future.

7 GENERAL OBJECTIONS

8 The following general objections apply to the entirety of Plaintiff's First Set of
9 Interrogatories. The assertion of same, similar, or additional objections to the subject matter
10 requests does not waive any of Spherion's general objections as set forth below.

11 1. Spherion objects to the First Set of Interrogatories and each specific subject
12 matter request to the extent that it imposes instructions, requirements, or limitations other or
13 greater than those set forth in the FRCP.

14 2. Spherion objects to each interrogatory to the extent that it seeks to impose on
15 Spherion responsibility for disclosing information not within Spherion's possession, custody or
16 control.

17 3. Spherion objects to each interrogatory to the extent that it is overly broad in terms
18 of time and/or scope, unduly burdensome, oppressive, vague, ambiguous, and/or unreasonable.

19 4. Spherion objects to each interrogatory to the extent that it overlaps or is
20 duplicative of other interrogatories.

21 5. Spherion objects to each interrogatory to the extent that it seeks information that
22 is not relevant to this action or reasonably calculated to lead to the discovery of admissible
23 evidence.

24 6. Spherion objects to each interrogatory insofar as it requests the disclosure of any
25 information protected by the attorney-client privilege or the attorney work product doctrine. No
26 such information will be disclosed.

27 7. Spherion objects to each interrogatory to the extent that it seeks discovery of
28 confidential, trade secret, proprietary, financial, or commercially sensitive information, the

1 disclosure of which would constitute an invasion of the constitutionally protected right of
 2 privacy or could result in substantial competitive injury to Spherion or breach by Spherion of an
 3 obligation to another to maintain such information confidential.

4 **SPECIFIC RESPONSES AND OBJECTIONS TO INTERROGATORIES**

5 **INTERROGATORY NO. 1:**

6 **IDENTIFY** the **CONTACT INFORMATION** of **ALL PERSONS** employed by **YOU**
 7 in California from September 27, 2003, **AND** the present, paid on an hourly basis for whom
 8 Spherion records depict a meal period not taken. (The term "**CONTACT INFORMATION**"
 9 refers to the name, address, email address and telephone number) (The term "**PERSON**" refers
 10 both to natural persons and to corporate or other business entities such as a firm, partnership,
 11 proprietorship, association or any other organization or entity). (To "**IDENTIFY**" a **PERSON**
 12 means to state the person's name and business address, and additionally, in the case of a natural
 13 person, his home address, e-mail, occupation or job title and employer both presently and at the
 14 time to which the interrogatory relates and such other information as should be sufficient to
 15 notice the deposition of such person and to serve such person with a subpoena). (To
 16 "**IDENTIFY ALL DOCUMENTS**" means to provide a brief description of each document
 17 sufficient to support a request for production, including at least the type of document, date of the
 18 document, identification of the author and recipient (if any), all persons who received or saw
 19 copies). (The terms "**DOCUMENT**" or "**DOCUMENTS**" shall mean any tangible thing upon
 20 which any expression, communication or representation has been recorded by any means
 21 including, but not limited to, "**COMPUTER RECORDS**," "**E-MAIL RECORDS**,"
 22 handwriting, typewriting, printing, Photostatting, photographing, audio taping, videotaping,
 23 magnetic impulse, or mechanical or electronic recording and any nonidentical copies (whether
 24 different from the original because of notes made on such copies, because of indications that said
 25 copies were sent to different individuals than were the originals, or because of any other reason),
 26 including but not limited to working papers, preliminary, intermediate or final drafts,
 27 correspondence, memoranda, charts, notes, scripts, records of any sort of meetings, invoices,
 28 financial statements, financial calculations, diaries, reports of telephone or other oral

1 conversations, desk calendars, appointment books, audio or video tape recordings, microfilm,
2 microfiche, computer tape, computer disk, computer printout, computer card, and all other
3 writings and recordings of every kind that are in **YOUR** actual or constructive possession,
4 custody or control. The term "**COMPUTER RECORDS**" shall mean any tangible thing upon
5 which any expression, communication or representation has been recorded by any means
6 including, but not limited to, network server storage, backup storage, online server storage,
7 microfilm, microfiche, computer tape, computer disk, computer floppy diskette, computer
8 printout, computer card, computer hard drive, computer floppy drive, removable computer drive
9 storage, scanner, computer facsimile, printing, Photostatting, photographing, video recording,
10 audio recording, magnetic impulse, or other means of electronic recording and any nonidentical
11 copies (whether different from the original because of notes made on such copies, because of
12 indications that said copies were sent to different individuals than were the originals, or because
13 of any other reason), including but not limited to working papers, preliminary, intermediate or
14 final drafts, correspondence, memoranda, charts, notes, scripts, records of any sort of meetings,
15 invoices, financial statements, financial calculations, diaries, reports of telephone or other oral
16 conversations, calendars, task schedulers, audio or video recordings, and all other writings and
17 recordings of every kind that are in **YOUR** actual or constructive possession, custody or control.
18 The term "**E-MAIL RECORDS**" shall mean any and all tangible thing upon which any
19 expression, communication or representation has been recorded by any means including, but not
20 limited to, any form of electronic mail, Internet online e-mail, any form of interoffice and/or
21 intraoffice network e-mail, printouts of documents from Internet online e-mail or interoffice and
22 intraoffice network e-mail, including any copies which may be stored electronically in any
23 manner including, but not limited to, network server storage, backup storage, online server
24 storage, microfilm, microfiche, computer tape, computer disk, computer floppy diskette,
25 computer printout, computer card, computer hard drive, computer floppy drive, removable
26 computer drive storage, scanner, computer facsimile, printing, Photostatting, photographing,
27 video recording, audio recording, magnetic impulse, or other means of electronic recording and
28 any nonidentical copies (whether different from the original because of notes made on such

1 copies, because of indications that said copies were sent to different individuals than were the
 2 originals, or because of any other reason), including but not limited to working papers,
 3 preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes, scripts,
 4 records of any sort of meetings, invoices, financial statements, financial calculations, diaries,
 5 reports of telephone or other oral conversations, calendars, task schedulers, audio or video
 6 recordings, and all other writings and recordings of every kind that are in YOUR actual or
 7 constructive possession, custody or control). (The terms "YOU," "YOUR" or "YOURS" refer
 8 to Spherion and, if applicable, the agents, employees, officers, and directors of same or of any
 9 subsidiary or divisions thereof, and their attorneys and those persons employed by their
 10 attorneys.) (As used herein, the term "ALL" is synonymous with "ANY" and the term "OR"
 11 means "AND/OR").(As used herein, the term "REGARDING" means relating to, referring to,
 12 pertaining to, reflecting, substantiating, evidencing, constituting, or in any manner whatsoever
 13 logically or factually connected with the matter referenced, whether in whole or in part.)

14 **RESPONSE TO INTERROGATORY NO. 1:**

15 Defendant objects to this interrogatory on the grounds that the phrase "meal period not
 16 taken" is vague and ambiguous. Defendant further objects to this interrogatory to the extent that
 17 it calls for a legal conclusion and for disclosure of information protected by the attorney-client
 18 privilege and/or the attorney work product doctrine. Defendant further objects to this
 19 interrogatory on the grounds that it is unduly burdensome, oppressive, overbroad and harassing,
 20 as it seeks contact information for thousands of individuals before this case even has been
 21 certified as a class action. This interrogatory is an impermissible fishing expedition as it relates
 22 thousands of employees at hundreds of locations throughout the state, working for thousands of
 23 different clients. Defendant further objects to this interrogatory on the grounds that it is
 24 premature in that it seeks information pertaining to the merits of the litigation and is not limited
 25 to the issues pertaining to class certification. Defendant further objects to this interrogatory on
 26 the grounds that it seeks information protected by the constitutional right to privacy of current
 27 and former employees of defendant.

1 **INTERROGATORY NO. 2:**

2 **IDENTIFY** the period of employment for each **PERSON** employed by **YOU** in
3 California from September 27, 2003, **AND** the present, paid on an hourly basis for whom
4 Spherion records depict a meal period not taken.

5 **RESPONSE TO INTERROGATORY NO. 2:**

6 Defendant objects to this interrogatory on the grounds that the phrase "meal period not
7 taken" is vague and ambiguous. Defendant further objects to this interrogatory to the extent that
8 it calls for a legal conclusion and for disclosure of information protected by the attorney-client
9 privilege and/or the attorney work product doctrine. Defendant further objects to this
10 interrogatory on the grounds that it is unduly burdensome, oppressive, overbroad and harassing,
11 as it seeks contact information for thousands of individuals before this case even has been
12 certified as a class action. This interrogatory is an impermissible fishing expedition as it relates
13 thousands of employees at hundreds of locations throughout the state, working for thousands of
14 different clients. Defendant further objects to this interrogatory on the grounds that it is
15 premature in that it seeks information pertaining to the merits of the litigation and is not limited
16 to the issues pertaining to class certification. Defendant further objects to this interrogatory on
17 the grounds that it seeks information protected by the constitutional right to privacy of current
18 and former employees of defendant.

19 **INTERROGATORY NO. 3:**

20 **IDENTIFY** the number of **PERSONS** employed by **YOU** in California between
21 September 27, 2003, **AND** the present paid on an hourly basis for whom Spherion records depict
22 a meal period not taken.

23 **RESPONSE TO INTERROGATORY NO. 3:**

24 Defendant objects to this interrogatory on the grounds that the phrase "meal period not
25 taken" is vague and ambiguous. Defendant further objects to this interrogatory to the extent that
26 it calls for a legal conclusion and for disclosure of information protected by the attorney-client
27 privilege and/or the attorney work product doctrine. Defendant further objects to this on the
28 grounds that it is unduly burdensome, oppressive, overbroad and harassing, as it seeks contact

1 information for thousands of individuals before this case even has been certified as a class action.
2 This interrogatory is an impermissible fishing expedition as it relates thousands of employees at
3 hundreds of locations throughout the state, working for thousands of different clients. Defendant
4 further objects to this interrogatory on the grounds that it is premature in that it seeks information
5 pertaining to the merits of the litigation and is not limited to the issues pertaining to class
6 certification. Defendant further objects to this interrogatory on the grounds that it seeks
7 information protected by the constitutional right to privacy of current and former employees of
8 defendant.

9 **INTERROGATORY NO. 4:**

10 **IDENTIFY ALL PERSONS** employed by **YOU** in California paid on an hourly basis
11 between September 27, 2003, **AND** the present who complained to **YOU REGARDING** the
12 absence of meal period breaks.

13 **RESPONSE TO INTERROGATORY NO. 4:**

14 Defendant objects to this interrogatory on the grounds that the term "complained" and
15 phrase "absence of meal period" are vague and ambiguous. Defendant further objects to this
16 interrogatory to the extent that it calls for a legal conclusion and for disclosure of information
17 protected by the attorney-client privilege and/or the attorney work product doctrine. Defendant
18 further objects to this interrogatory on the grounds that it is unduly burdensome, oppressive,
19 overbroad and harassing, as it seeks contact information for thousands of individuals before this
20 case even has been certified as a class action. This interrogatory is an impermissible fishing
21 expedition as it potentially relates thousands of employees at hundreds of locations throughout
22 the state, working for thousands of different clients. Defendant further objects to this
23 interrogatory on the grounds that it is premature in that it seeks information pertaining to the
24 merits of the litigation and is not limited to the issues pertaining to class certification.
25 Defendant further objects to this interrogatory on the grounds that it seeks information protected
26 by the constitutional right to privacy of current and former employees of defendant.

1 **INTERROGATORY NO. 5:**

2 **IDENTIFY** the number of **PERSONS** employed by **YOU** in California between
3 September 27, 2003 and the present, paid on an hourly basis.

4 **RESPONSE TO INTERROGATORY NO. 5:**

5 Defendant objects to this interrogatory on the grounds it is vague and ambiguous.
6 Defendant further objects to this interrogatory to the extent that it calls for a legal conclusion and
7 for disclosure of information protected by the attorney-client privilege and/or the attorney work
8 product doctrine. Defendant further objects to this interrogatory on the grounds that it is unduly
9 burdensome, oppressive, overbroad and harassing, as it seeks contact information for thousands
10 of individuals before this case even has been certified as a class action. This interrogatory is an
11 impermissible fishing expedition as it relates thousands of employees at hundreds of locations
12 throughout the state, working for thousands of different clients. Defendant further objects to this
13 interrogatory on the grounds that it is premature in that it seeks information pertaining to the
14 merits of the litigation and is not limited to the issues pertaining to class certification.
15 Defendant further objects to this interrogatory on the grounds that it seeks information protected
16 by the constitutional right to privacy of current and former employees of defendant.

17 **INTERROGATORY NO. 6:**

18 **IDENTIFY ALL PERSONS** employed by **YOU** in California between September 27,
19 2003 **AND** the present who performed recruiting services for Cisco Systems, Inc.

20 **RESPONSE TO INTERROGATORY NO. 6:**

21 Defendant objects to this interrogatory as vague and ambiguous. Defendant further
22 objects to this interrogatory to the extent that it calls for a legal conclusion and for disclosure of
23 information protected by the attorney-client privilege and/or the attorney work product doctrine.
24 Defendant further objects to this interrogatory on the grounds that it seeks information protected
25 by the constitutional right to privacy of current and former employees of defendant.

26 **INTERROGATORY NO. 7:**

27 **IDENTIFY ALL** persons employed by **YOU** in California between September 27, 2003,
28 **AND** the present with a home based work site.

RESPONSE TO INTERROGATORY NO. 7:

Defendant objects to this interrogatory on the grounds that the phrase "home based work site" is vague and ambiguous. Defendant further objects to this interrogatory to the extent that it calls for a legal conclusion and for disclosure of information protected by the attorney-client privilege and/or the attorney work product doctrine. Defendant further objects to this interrogatory on the grounds that it is unduly burdensome, oppressive, overbroad and harassing. Defendant further objects to this interrogatory on the grounds that it seeks information protected by the constitutional right to privacy of current and former employees of defendant.

INTERROGATORY NO. 8:

IDENTIFY ALL persons employed by YOU in California between September 27, 2003, AND the present who performed recruiting services for Kaiser Permanete/Kaiser Foundation Health Plan.

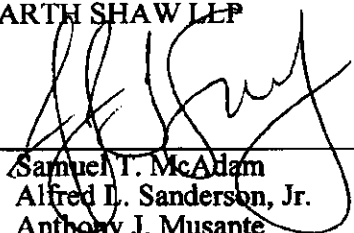
RESPONSE TO INTERROGATORY NO. 8:

Defendant objects to this interrogatory on the grounds that the term "recruiting services" is vague and ambiguous. Defendant further objects to this interrogatory on the grounds it is outside the scope of this litigation, as it relates to Kaiser recruiters, not Cisco recruiters. Defendant further objects to this interrogatory to the extent that it calls for a legal conclusion and for disclosure of information protected by the attorney-client privilege and/or the attorney work product doctrine. Defendant further objects to this interrogatory on the grounds that it is unduly burdensome, oppressive, overbroad and harassing. Defendant further objects to this interrogatory on the grounds that it seeks information protected by the constitutional right to privacy of current and former employees of defendant.

DATED: March 18, 2008

SEYFARTH SHAW LLP

By


 Samuel T. McAdam
 Alfred L. Sanderson, Jr.
 Anthony J. Musante

Attorneys for Defendants
 SPHERION ATLANTIC ENTERPRISES LLC

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
 3 COUNTY OF SACRAMENTO) ss

4 I am a resident of the State of California, over the age of eighteen years, and not a party
 5 to the within action. My business address is Seyfarth Shaw LLP, 400 Capitol Mall, Suite 2350,
 Sacramento, California 95814-4428. On March 18, 2008, I served the within documents:

6 **DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST SET OF**
 7 **INTERROGATORIES**

8 ☐ I sent such document from facsimile machine (916) 558-4839 on March 18, 2008. I
 9 certify that said transmission was completed and that all pages were received and that
 10 a report was generated by facsimile machine (916) 558-4839 which confirms said
 11 transmission and receipt. I, thereafter, mailed a copy to the interested party(ies) in this
 action by placing a true copy thereof enclosed in sealed envelope(s) addressed to the
 parties listed below.

12 ☒ by placing the document(s) listed above in a sealed envelope with postage thereon
 13 fully prepaid, in the United States mail at 400 Capitol Mall, Suite 2350, Sacramento,
 California 95814, addressed as set forth below.

14 ☐ by personally delivering the document(s) listed above to the person(s) at the
 address(es) set forth below.

15 ☐ by placing the document(s) listed above, together with an unsigned copy of this
 16 declaration, in a sealed Federal Express envelope with postage paid on account and
 17 deposited with Federal Express at Sacramento, California, addressed as set forth
 below.

18 Daniel H. Qualls
 19 Robin G. Workman
 20 Qualls & Workman LLP
 21 244 California Street, Suite 410
 San Francisco, CA 94111
 (415) 782-3660
 (415) 788-1028

22 I am readily familiar with the firm's practice of collection and processing correspondence
 23 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
 24 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
 motion of the party served, service is presumed invalid if postal cancellation date or postage
 meter date is more than on day after the date of deposit for mailing in affidavit.

25 I declare that I am employed in the office of a member of the bar of this court whose
 26 direction the service was made.

27 Executed on March 18, 2008, at Sacramento, California.

28 
 Diana Gomez

EXHIBIT C

1 Daniel H. Qualls, Bar No. 109036
 Robin G. Workman, Bar No. 145810
 2 **QUALLS & WORKMAN, LLP**
 244 California Street, Suite 410
 3 San Francisco, CA 94111
 Telephone: (415) 782-3660
 4 Facsimile: (415) 788-1028

5 David Sanford, D.C. Bar No. 457933
 Meenoo Chahbazi, CA Bar No. 233985
 6 **SANFORD, WITTELS & HEISLER, LLP**
 1666 Connecticut Avenue, N.W., Suite 310
 7 Washington, D.C. 20009
 Telephone: (202) 742-7780
 8 Facsimile: (202) 742-7776

9 Grant Morris, D.C. Bar No. 926253
LAW OFFICES OF GRANT E. MORRIS
 10 1666 Connecticut Avenue, N.W., Suite 310
 Washington, D.C. 20009
 11 Telephone: (202) 742-7783
 Facsimile: (202) 742-7776

12 *Attorneys for Plaintiff*

13
 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16

17 VALERIE D. WATSON-SMITH, AND ALL
 18 OTHERS SIMILARLY SITUATED,
 19 Plaintiff,
 20 vs.
 21 SPHERION PACIFIC WORKFORCE, LLC, and
 DOES 1 through 100, inclusive,
 22 Defendants.

) No. C07-05774

) **PLAINTIFF VALERIE D. WATSON-**
) **SMITH'S SECOND SET OF**
) **INTERROGATORIES TO**
) **DEFENDANT SPHERION PACIFIC**
) **WORKFORCE, LLC.**

) **F.R.C.P. 33**

23
 24 PROPOUNDING PARTY: Plaintiff Valerie D. Watson-Smith

25 RESPONDING PARTY: Defendant Spherion Pacific Workforce, LLC

26 SET: Two

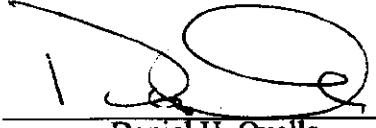
1 Pursuant to Federal Rules of Civil Procedure, Rule 33, Plaintiff Valerie D. Watson-Smith
2 ("WATSON-SMITH") hereby requests that Defendant Spherion Pacific Workforce, LLC
3 ("SPHERION") answer in writing and under oath the following interrogatories:
4

5 **INTERROGATORY NO. 9:**

6 **IDENTIFY** the name **AND CONTACT INFORMATION** of **ALL PERSONS** employed
7 by **YOU** as flexible/temporary staff in California from September 27, 2003, **AND** the present paid
8 on an hourly basis working on a customer site without the presence of Spherion supervisory
9 personnel. (The term "**CONTACT INFORMATION**" refers to the name, address, email address
10 and telephone number). (To "**IDENTIFY**" a **PERSON** means to state the person's name and
11 business address, and additionally, in the case of a natural person, his home address, e-mail,
12 occupation or job title and employer both presently and at the time to which the interrogatory relates
13 and such other information as should be sufficient to notice the deposition of such person and to serve
14 such person with a subpoena). (The terms "**YOU**," "**YOUR**" or "**YOURS**" refer to Spherion and, if
15 applicable, the agents, employees, officers, and directors of same or of any subsidiary or divisions
16 thereof, and their attorneys and those persons employed by their attorneys.) (As used herein, the
17 term "**ALL**" is synonymous with "**ANY**" and the term "**OR**" means "**AND/OR**").
18

19 Date: June 16, 2008

QUALLS & WORKMAN, LLP

20
21 
22 _____
23 Daniel H. Qualls
24 Attorney For Plaintiff
25
26
27
28

PROOF OF SERVICE

I, Tammy M. Mazzullo, hereby declare:

I am employed in the City and County of San Francisco, California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Qualls & Workman, L.L.P., 244 California Street, Suite 410, San Francisco, California. On June 16, 2008, I served **PLAINTIFF VALERIE D. WATSON-SMITH'S SECOND SET OF INTERROGATORIES** on the interested parties in this action via mail by placing a true copy thereof, on the above date, enclosed in a sealed envelope following the ordinary business practice of Qualls & Workman, for collection and mailing in the United States mail addressed as set forth below:

Alfred L. Sanderson, Jr., Esq.
SEYFARTH SHAW, LLP
400 Capitol Mall, Suite 2350
Sacramento, CA 95814-4428

I am personally and readily familiar with the business practice of Qualls & Workman for collection and processing of documents for mailing with the U.S. Postal Service, pursuant to which mail placed for collection at designated stations in the ordinary course of business is deposited the same day, proper postage prepaid, with the U.S. Postal Service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on June 16, 2008 in San Francisco, California.


Tammy M. Mazzullo

EXHIBIT D

1 SEYFARTH SHAW LLP
 Gerald L. Maatman, Jr. (SBN 06181016)
 2 131 South Dearborn Street, Suite 2400
 Chicago, IL 60603
 3 Telephone: (312) (312) 460-5000
 Facsimile: (312) 460-7000

4 SEYFARTH SHAW LLP
 5 Samuel T. McAdam (SBN 186084)
 Alfred L. Sanderson, Jr. (SBN 186071)
 6 Anthony J. Musante (SBN 252097)
 400 Capitol Mall, Suite 2350
 7 Sacramento, California 95814-4428
 Telephone: (916) 448-0159
 8 Facsimile: (916) 558-4839

9 Attorneys for Defendant
 Spherion Atlantic Enterprises, LLC

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 VALERIE D. WATSON-SMITH, AND ALL)
 13 OTHER SIMILARLY SITUATED,)

14 Plaintiff,)

15 v.)

16 SPHERION PACIFIC WORKFORCE, LLC,)
 and DOES 1 through 100, inclusive)

17 Defendant.)
 18)
 19)

Case No. C 07 05774 JSW

**DEFENDANT'S RESPONSE TO
 PLAINTIFF'S SECOND SET OF
 INTERROGATORIES**

F.R.C.P. 33

Superior Court of California, County of
 Alameda Case Number: 07348378

Complaint Filed: September 27, 2007

20
 21 PROPOUNDING PARTY: PLAINTIFF VALERIE D. WATSON-SMITH

22 RESPONDING PARTY: DEFENDANT SPHERION ATLANTIC ENTERPRISES, LLC

23 SET NUMBER: TWO

24 Defendant SPHERION ATLANTIC ENTERPRISES, LLC, sued herein as SPHERION
 25 PACIFIC WORKFORCE, LLC, hereby submits its Response to Plaintiff VALERIE D.

26 WATSON-SMITH's Second Set of Interrogatories:

27 **PRELIMINARY STATEMENT**

28 Spherion has not completed its investigation, discovery, or analysis, of all the facts of this

DEFENDANT'S RESPONSE TO PLAINTIFF'S SECOND SET OF INTERROGATORIES

1 case and has not completed preparation for trial. Accordingly, each of the following responses is
2 provided without prejudice to Spherion's right to introduce in response to any motion or at trial
3 any evidence that is subsequently discovered relating to the proof of subsequently discovered
4 material facts. Moreover, facts, documents, and things now known may be imperfectly
5 understood and, accordingly, such facts, documents, and things, may not be included in the
6 following responses. Spherion reserves the right to reference, discover, or offer into evidence at
7 any motion hearing or at the time of trial any and all facts, documents, and things which they do
8 not presently recall but may recall at some time in the future.

9 **GENERAL OBJECTIONS**

10 The following general objections apply to the entirety of Plaintiff's Second Set of
11 Interrogatories. The assertion of same, similar, or additional objections to the subject matter
12 requests does not waive any of Spherion's general objections as set forth below.

13 1. Spherion objects to the Second Set of Interrogatories and each specific subject
14 matter request to the extent that it imposes instructions, requirements, or limitations other or
15 greater than those set forth in the Federal Rules of Civil Procedure.

16 2. Spherion objects to each interrogatory to the extent that it seeks to impose on
17 Spherion responsibility for disclosing information not within Spherion's possession, custody or
18 control.

19 3. Spherion objects to each interrogatory to the extent that it is overly broad in terms
20 of time and/or scope, unduly burdensome, oppressive, vague, ambiguous, and/or unreasonable.

21 4. Spherion objects to each interrogatory to the extent that it overlaps or is
22 duplicative of other interrogatories.

23 5. Spherion objects to each interrogatory to the extent that it seeks information that
24 is not relevant to this action or reasonably calculated to lead to the discovery of admissible
25 evidence.

26 6. Spherion objects to each interrogatory insofar as it requests the disclosure of any
27 information protected by the attorney-client privilege or the attorney work product doctrine. No
28 such information will be disclosed.

7. Spherion objects to each interrogatory to the extent that it seeks discovery of confidential, trade secret, proprietary, financial, or commercially sensitive information, the disclosure of which would constitute an invasion of the constitutionally protected right of privacy or could result in substantial competitive injury to Spherion or breach by Spherion of an obligation to another to maintain such information confidential.

SPECIFIC RESPONSES AND OBJECTIONS TO INTERROGATORIES

INTERROGATORY NO. 9:

IDENTIFY the name **AND CONTACT INFORMATION** of **ALL PERSONS** employed by **YOU** as flexible/temporary staff in California from September 27, 2003, **AND** the present paid on an hourly basis working on a customer site without the presence of Spherion supervisory personnel. (The term "**CONTACT INFORMATION**" refers to the name, address, email address and telephone numbers). (To "**IDENTIFY**" a **PERSON** means to state the person's name and business, and additionally, in the case of a natural person, his home address, e-mail, occupation or job title and employer both presently and at the time to which the interrogatory relates and such other information as should be sufficient to notice the deposition of such person and to serve such person with a subpoena). (The terms "**YOU**," "**YOUR**" or "**YOURS**" refers to Spherion and, if applicable, the agents, employees, officers, and directors of same or of any subsidiary or divisions thereof, and their attorneys and those persons employed by their attorneys.) (As used herein, the term "**ALL**" is synonymous with "**ANY**" and the term "**OR**" means "**AND/OR**").

RESPONSES TO INTERROGATORY NO. 9:

Defendant objects to this interrogatory on the grounds that the phrase "flexible/temporary staff" is vague and ambiguous. Defendant further objects to this interrogatory to the extent that it calls for a legal conclusion and for disclosure of information protected by the attorney-client privilege and/or the attorney work product doctrine. Defendant further objects to this interrogatory on the grounds that it is unduly burdensome, oppressive, overbroad and harassing, as it seeks contact information for thousands of individuals before this case has been certified as a class action. This interrogatory is an impermissible fishing expedition as it relates thousands of

1 employees at hundreds of locations throughout the state, working for hundreds of different
2 clients. Defendant further objects to this interrogatory on the grounds that it seeks information
3 protected by the constitutional right to privacy of current and former employees of defendant.
4 Defendant further objects to this interrogatory on the grounds plaintiff is not a suitable class
5 representative for "flexible/temporary staff" and therefore is not entitled to the information
6 requested.

7 DATED: July 17 2008

SEYFARTH SHAW LLP

By 

Samuel T. McAdam

Alfred L. Sanderson, Jr.

Anthony J. Musante

Attorneys for Defendants

SPHERION ATLANTIC ENTERPRISES LLC

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss
COUNTY OF SACRAMENTO)

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Seyfarth Shaw LLP, 400 Capitol Mall, Suite 2350, Sacramento, California 95814-4428. On July 17, 2008, I served the within documents:

DEFENDANT'S RESPONSE TO PLAINTIFF'S SECOND SET OF INTERROGATORIES

☐ I sent such document from facsimile machine (916) 558-4839 on July 17, 2008. I certify that said transmission was completed and that all pages were received and that a report was generated by facsimile machine (916) 558-4839 which confirms said transmission and receipt. I, thereafter, mailed a copy to the interested party(ies) in this action by placing a true copy thereof enclosed in sealed envelope(s) addressed to the parties listed below.

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at 400 Capitol Mall, Suite 2350, Sacramento, California 95814, addressed as set forth below.

☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

☐ by placing the document(s) listed above, together with an unsigned copy of this declaration, in a sealed Federal Express envelope with postage paid on account and deposited with Federal Express at Sacramento, California, addressed as set forth below.

Daniel H. Qualls
Robin G. Workman
Qualls & Workman LLP
244 California Street, Suite 410
San Francisco, CA 94111
(415) 782-3660
(415) 788-1028

David Sanford
Meenoo Chahbazi
Sanford, Wittels & Heisler LLP
1666 Connecticut Avenue, N.W., Suite 310
Washington, D.C. 20009
(202) 742-7780
(202) 742-7776

Grant Morris
Law Office of Grant E. Morris
1666 Connecticut Avenue, N.W., Suite 310
Washington, D.C. 20009
(202) 742-7783
(202) 742-7776

Sandra R. McCandless
Sonnenschein, Nath & Rosenthal
525 Market St., 26th Fl.
San Francisco, CA 94105-2708
(415) 882-5000
(415) 882-0300

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than on day after the date of deposit for mailing in affidavit.

1 I declare that I am employed in the office of a member of the bar of this court whose
2 direction the service was made.

3 Executed on July 17, 2008, at Sacramento, California.

4 Diana Gomez
Diana Gomez

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EXHIBIT E

1 Daniel H. Qualls, Bar No. 109036
 Robin G. Workman, Bar No. 145810
 2 **QUALLS & WORKMAN, LLP**
 244 California Street, Suite 410
 3 San Francisco, CA 94111
 Telephone: (415) 782-3660
 4 Facsimile: (415) 788-1028

5 David Sanford, D.C. Bar No. 457933
 Meenoo Chahbazi, CA Bar No. 233985
 6 **SANFORD, WITTELS & HEISLER, LLP**
 1666 Connecticut Avenue, N.W., Suite 310
 7 Washington, D.C. 20009
 Telephone: (202) 742-7780
 8 Facsimile: (202) 742-7776

9 Grant Morris, D.C. Bar No. 926253
LAW OFFICES OF GRANT E. MORRIS
 10 1666 Connecticut Avenue, N.W., Suite 310
 Washington, D.C. 20009
 11 Telephone: (202) 742-7783
 Facsimile: (202) 742-7776

12 *Attorneys for Plaintiff*

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

17 VALERIE D. WATSON-SMITH, AND ALL
 18 OTHERS SIMILARLY SITUATED,

19 Plaintiff,

20 vs.

21 SPHERION PACIFIC WORKFORCE, LLC, and
 DOES 1 through 100, inclusive,

22 Defendants.

) No. C07-05774

) **PLAINTIFF VALERIE D. WATSON-**
) **SMITH'S THIRD SET OF**
) **INTERROGATORIES TO**
) **DEFENDANT SPHERION PACIFIC**
) **WORKFORCE, LLC.**

) **F.R.C.P. 33**

24 PROPOUNDING PARTY: Plaintiff Valerie D. Watson-Smith

25 RESPONDING PARTY: Defendant Spherion Pacific Workforce, LLC

26 SET: Three

1 Pursuant to Federal Rules of Civil Procedure, Rule 33, Plaintiff Valerie D. Watson-Smith
2 ("WATSON-SMITH") hereby requests that Defendant Spherion Pacific Workforce, LLC
3 ("SPHERION") answer in writing and under oath the following interrogatories:
4

5 **INTERROGATORY NO. 9:**

6 IDENTIFY branch personnel working in California from September 1, 2003 to the present
7 who process(ed) timesheets for California hourly temporary employees who worked on YOUR
8 client sites. (To "IDENTIFY" a PERSON means to state the person's name and business address,
9 and additionally, in the case of a natural person, his home address, e-mail, occupation or job title and
10 employer both presently and at the time to which the interrogatory relates and such other information
11 as should be sufficient to notice the deposition of such person and to serve such person with a
12 subpoena). (The terms "YOU," "YOUR" or "YOURS" refer to Spherion and, if applicable, the
13 agents, employees, officers, and directors of same or of any subsidiary or divisions thereof, and
14 their attorneys and those persons employed by their attorneys
15

16 Date: June 20, 2008

QUALLS & WORKMAN, LLP



Daniel H. Qualls
Attorney For Plaintiff

20
21
22
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28

PROOF OF SERVICE

I, Tammy M. Mazzullo, hereby declare:

I am employed in the City and County of San Francisco, California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Qualls & Workman, L.L.P., 244 California Street, Suite 410, San Francisco, California. On June 25, 2008, I served **PLAINTIFF VALERIE D. WATSON-SMITH'S THIRD SET OF INTERROGATORIES** on the interested parties in this action via mail by placing a true copy thereof, on the above date, enclosed in a sealed envelope following the ordinary business practice of Qualls & Workman, for collection and mailing in the United States mail addressed as set forth below:

Alfred L. Sanderson, Jr., Esq.
SEYFARTH SHAW, LLP
400 Capitol Mall, Suite 2350
Sacramento, CA 95814-4428

I am personally and readily familiar with the business practice of Qualls & Workman for collection and processing of documents for mailing with the U.S. Postal Service, pursuant to which mail placed for collection at designated stations in the ordinary course of business is deposited the same day, proper postage prepaid, with the U.S. Postal Service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on June 25, 2008 in San Francisco, California.


Tammy M. Mazzullo

EXHIBIT F

1 SEYFARTH SHAW LLP
 Gerald L. Maatman, Jr. (SBN 06181016)
 2 131 South Dearborn Street, Suite 2400
 Chicago, IL 60603
 3 Telephone: (312) (312) 460-5000
 Facsimile: (312) 460-7000

4 SEYFARTH SHAW LLP
 Samuel T. McAdam (SBN 186084)
 Alfred L. Sanderson, Jr. (SBN 186071)
 6 Anthony J. Musante (SBN 252097)
 400 Capitol Mall, Suite 2350
 7 Sacramento, California 95814-4428
 Telephone: (916) 448-0159
 8 Facsimile: (916) 558-4839

9 Attorneys for Defendant
 Spherion Atlantic Enterprises, LLC

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 VALERIE D. WATSON-SMITH, AND ALL
 13 OTHER SIMILARLY SITUATED,

14 Plaintiff,

15 v.

16 SPHERION PACIFIC WORKFORCE, LLC,
 and DOES 1 through 100, inclusive

17 Defendant.

Case No. C 07 05774 JSW

DEFENDANT'S RESPONSE TO
 PLAINTIFF'S THIRD SET OF
 INTERROGATORIES

F.R.C.P. 33

Superior Court of California, County of
 Alameda Case Number: 07348378

Complaint Filed: September 27, 2007

20
 21 PROPOUNDING PARTY: PLAINTIFF VALERIE D. WATSON-SMITH
 22 RESPONDING PARTY: DEFENDANT SPHERION ATLANTIC ENTERPRISES, LLC
 23 SET NUMBER: THREE

24 Defendant SPHERION ATLANTIC ENTERPRISES, LLC, sued herein as SPHERION
 25 PACIFIC WORKFORCE, LLC, hereby submits its Response to Plaintiff VALERIE D.
 26 WATSON-SMITH's Third Set of Interrogatories.

27 **PRELIMINARY STATEMENT**

28 Spherion has not completed its investigation, discovery, or analysis, of all the facts of this

1 case and has not completed preparation for trial. Accordingly, each of the following responses is
2 provided without prejudice to Spherion's right to introduce in response to any motion or at trial
3 any evidence that is subsequently discovered relating to the proof of subsequently discovered
4 material facts. Moreover, facts, documents, and things now known may be imperfectly
5 understood and, accordingly, such facts, documents, and things, may not be included in the
6 following responses. Spherion reserves the right to reference, discover, or offer into evidence at
7 any motion hearing or at the time of trial any and all facts, documents, and things which they do
8 not presently recall but may recall at some time in the future.

9 GENERAL OBJECTIONS

10 The following general objections apply to the entirety of Plaintiff's Third Set of
11 Interrogatories. The assertion of same, similar, or additional objections to the subject matter
12 requests does not waive any of Spherion's general objections as set forth below.

13 1. Spherion objects to the Third Set of Interrogatories and each specific subject
14 matter request to the extent that it imposes instructions, requirements, or limitations other or
15 greater than those set forth in the FRCP.

16 2. Spherion objects to each interrogatory to the extent that it seeks to impose on
17 Spherion responsibility for disclosing information not within Spherion's possession, custody or
18 control.

19 3. Spherion objects to each interrogatory to the extent that it is overly broad in terms
20 of time and/or scope, unduly burdensome, oppressive, vague, ambiguous, and/or unreasonable.

21 4. Spherion objects to each interrogatory to the extent that it overlaps or is
22 duplicative of other interrogatories.

23 5. Spherion objects to each interrogatory to the extent that it seeks information that
24 is not relevant to this action or reasonably calculated to lead to the discovery of admissible
25 evidence.

26 6. Spherion objects to each interrogatory insofar as it requests the disclosure of any
27 information protected by the attorney-client privilege or the attorney work product doctrine. No
28 such information will be disclosed.

7. Spherion objects to each interrogatory to the extent that it seeks discovery of confidential, trade secret, proprietary, financial, or commercially sensitive information, the disclosure of which would constitute an invasion of the constitutionally protected right of privacy or could result in substantial competitive injury to Spherion or breach by Spherion of an obligation to another to maintain such information confidential.

SPECIFIC RESPONSES AND OBJECTIONS TO INTERROGATORIES

INTERROGATORY NO. 9 (sic):

IDENTIFY branch personnel working in California from September 1, 2003 to the present who process(ed) timesheets for California hourly temporary employees who worked on **YOUR** client sites. (To “**IDENTIFY**” a **PERSON** means to state the person’s name and business address, and additionally, in the case of a natural person, his home address, e-mail, occupation or job title and employer both presently and at the time to which the interrogatory relates and such other information as should be sufficient to notice the deposition of such persona and to serve such person with a subpoena). (The terms “**YOU**,” “**YOUR**” or “**YOURS**” refer to Spherion and, if applicable, the agent, employees, officers, and directors of same or of any subsidiary or divisions thereof, and their attorneys and those persons employed by their attorneys.

RESPONSES TO INTERROGATORY NO. 9:

Defendant objects to this interrogatory on the grounds that the phrases “branch personnel” and “process(ed) timesheets” are vague and ambiguous. Defendant further objects to this interrogatory to the extent that it calls for a legal conclusion and for disclosure of information protected by the attorney-client privilege and/or the attorney work product doctrine. Defendant further objects to this interrogatory on the grounds that it is unduly burdensome, oppressive, overbroad and harassing, as it seeks private contact information for a multitude of individuals before this case has been certified as a class action. Defendant further objects to this interrogatory on the grounds that it seeks information protected by the constitutional right to privacy of current and former employees of defendant.

1 DATED: July 17, 2008
2
3

SEYFARTH SHAW LLP

4 By 

Samuel T. McAdam

Alfred L. Sanderson, Jr.

Anthony J. Musante

Attorneys for Defendants

SPHERION ATLANTIC ENTERPRISES LLC
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PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Seyfarth Shaw LLP, 400 Capitol Mall, Suite 2350, Sacramento, California 95814-4428. On July 17, 2008, I served the within documents:

DEFENDANT'S RESPONSE TO PLAINTIFF'S THIRD SET OF INTERROGATORIES

☐ I sent such document from facsimile machine (916) 558-4839 on July 17, 2008. I certify that said transmission was completed and that all pages were received and that a report was generated by facsimile machine (916) 558-4839 which confirms said transmission and receipt. I, thereafter, mailed a copy to the interested party(ies) in this action by placing a true copy thereof enclosed in sealed envelope(s) addressed to the parties listed below.

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at 400 Capitol Mall, Suite 2350, Sacramento, California 95814, addressed as set forth below.

☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

☐ by placing the document(s) listed above, together with an unsigned copy of this declaration, in a sealed Federal Express envelope with postage paid on account and deposited with Federal Express at Sacramento, California, addressed as set forth below.

Daniel H. Qualls
Robin G. Workman
Qualls & Workman LLP
244 California Street, Suite 410
San Francisco, CA 94111
(415) 782-3660
(415) 788-1028

David Sanford
Meenoo Chahbazi
Sanford, Wittels & Heisler LLP
1666 Connecticut Avenue, N.W., Suite 310
Washington, D.C. 20009
(202) 742-7780
(202) 742-7776

Grant Morris
Law Office of Grant E. Morris
1666 Connecticut Avenue, N.W., Suite 310
Washington, D.C. 20009
(202) 742-7783
(202) 742-7776

Sandra R. McCandless
Sonnenschein, Nath & Rosenthal
525 Market St., 26th Fl.
San Francisco, CA 94105-2708
(415) 882-5000
(415) 882-0300

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than on day after the date of deposit for mailing in affidavit.

1 I declare that I am employed in the office of a member of the bar of this court whose
2 direction the service was made.

3 Executed on July 17, 2008, at Sacramento, California.

4 Diana Gomez
5 Diana Gomez

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EXHIBIT G

Daniel H. Qualls, Bar No. 109036
 Robin G. Workman, Bar No. 145810
QUALLS & WORKMAN, LLP
 244 California Street, Suite 410
 San Francisco, CA 94111
 Telephone: (415) 782-3660
 Facsimile: (415) 788-1028

David Sanford, D.C. Bar No. 457933
 Meenoo Chahbazi, CA Bar No. 233985
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Grant Morris, D.C. Bar No. 926253
LAW OFFICES OF GRANT E. MORRIS
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 Washington, D.C. 20009
 Telephone: (202) 742-7783
 Facsimile: (202) 742-7776

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

VALERIE D. WATSON-SMITH, AND ALL
 OTHERS SIMILARLY SITUATED,

Plaintiff,

vs.

SPHERION PACIFIC WORKFORCE, LLC, and
 DOES 1 through 100, inclusive,

Defendants.

No. C07-05774

**PLAINTIFF VALERIE D. WATSON-
 SMITH'S FIRST SET OF INSPECTION
 DEMANDS TO DEFENDANT
 SPHERION PACIFIC WORKFORCE,
 LLC.**

F.R.C.P. 34

PROPOUNDING PARTY: Plaintiff Valerie D. Watson-Smith

RESPONDING PARTY: Defendant Spherion Pacific Workforce, LLC

SET: One

1 Pursuant to Federal Rules of Civil Procedure, Rule 34, Plaintiff Valerie D. Watson-
2 Smith hereby requests that Defendant Spherion Pacific Workforce, LLC ("SPHERION") identify,
3 produce and permit for inspection and copying the below listed documents that are in the possession,
4 custody, or control of SPHERION pursuant to the instructions and definitions contained herein.

5 The written responses and documents must be produced within thirty (30) days from the date
6 of service, plus an additional five (5) days if service of this demand is made by mail, pursuant to
7 Federal Rules of Civil Procedure, Rule 34.

8 DEFINITIONS

9 1. The terms "YOU," "YOUR" or "YOURS" refer to Spherion and, if applicable, the
10 agents, employees, officers, and directors of same or of any subsidiary or divisions thereof, and their
11 attorneys and those persons employed by their attorneys.

12 2. The terms "DOCUMENT" or "DOCUMENTS" shall mean any tangible thing upon
13 which any expression, communication or representation has been recorded by any means including,
14 but not limited to, "COMPUTER RECORDS," "E-MAIL RECORDS," handwriting, typewriting,
15 printing, photostating, photographing, audiotaping, videotaping, magnetic impulse, or mechanical or
16 electronic recording and any nonidentical copies (whether different from the original because of notes
17 made on such copies, because of indications that said copies were sent to different individuals than
18 were the originals, or because of any other reason), including but not limited to working papers,
19 preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes, scripts, records
20 of any sort of meetings, invoices, financial statements, financial calculations, diaries, reports of
21 telephone or other oral conversations, desk calendars, appointment books, audio or video tape
22 recordings, microfilm, microfiche, computer tape, computer disk, computer printout, computer card,
23 and all other writings and recordings of every kind that are in your actual or constructive possession,
24 custody or control.

25 3. "COMPUTER RECORDS" shall mean any tangible thing upon which any
26 expression, communication or representation has been recorded by any means including, but not
27 limited to, network server storage, backup storage, online server storage, microfilm, microfiche,
28 computer tape, computer disk, computer floppy diskette, computer printout, computer card, computer

1 hard drive, computer floppy drive, removable computer drive storage, scanner, computer facsimile,
2 printing, photostating, photographing, video recording, audio recording, magnetic impulse, or other
3 means of electronic recording and any nonidentical copies (whether different from the original
4 because of notes made on such copies, because of indications that said copies were sent to different
5 individuals than were the originals, or because of any other reason), including but not limited to
6 working papers, preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes,
7 scripts, records of any sort of meetings, invoices, financial statements, financial calculations, diaries,
8 reports of telephone or other oral conversations, calendars, task schedulers, audio or video recordings,
9 and all other writings and recordings of every kind that are in your actual or constructive possession,
10 custody or control.

11 4. **"E-MAIL RECORDS"** shall mean any and all tangible thing upon which any
12 expression, communication or representation has been recorded by any means including, but not
13 limited to, any form of electronic mail, Internet online e-mail, any form of interoffice and/or
14 intraoffice network e-mail, printouts of documents from Internet online e-mail or interoffice and
15 intraoffice network e-mail, including any copies which may be stored electronically in any manner
16 including, but not limited to, network server storage, backup storage, online server storage,
17 microfilm, microfiche, computer tape, computer disk, computer floppy diskette, computer printout,
18 computer card, computer hard drive, computer floppy drive, removable computer drive storage,
19 scanner, computer facsimile, printing, photostating, photographing, video recording, audio recording,
20 magnetic impulse, or other means of electronic recording and any nonidentical copies (whether
21 different from the original because of notes made on such copies, because of indications that said
22 copies were sent to different individuals than were the originals, or because of any other reason),
23 including but not limited to working papers, preliminary, intermediate or final drafts, correspondence,
24 memoranda, charts, notes, scripts, records of any sort of meetings, invoices, financial statements,
25 financial calculations, diaries, reports of telephone or other oral conversations, calendars, task
26 schedulers, audio or video recordings, and all other writings and recordings of every kind that are in
27 your actual or constructive possession, custody or control.

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1 5. To **"IDENTIFY"** documents means to provide a brief description of each document
2 sufficient to support a request for production, including at least the type of document, date of the
3 document, identification of the author and recipient (if any), all persons who received or saw copies.

4 6. To **"IDENTIFY"** a person means to state the person's name and business address,
5 and additionally, in the case of a natural person, his home address, occupation or job title and
6 employer both presently and at the time to which the interrogatory relates and such other information
7 as should be sufficient to notice the deposition of such person and to serve such person with a
8 subpoena.

9 7. As used herein, the term "**ALL**" is synonymous with "**ANY**" and the term "**OR**"
10 means "**AND/OR**."

11 8. As used herein, the terms "**REGARDING**," "**REFER**, or "**RELATE**" means
12 relating to, referring to, pertaining to, reflecting, substantiating, evidencing, constituting, or in any
13 manner whatsoever logically or factually connected with the matter referenced, whether in whole or
14 in part.

15 9. As used herein, the term "**TIME RECORDS**" REFERS TO ANY AND ALL
16 **DOCUMENTS** reflecting time entries regarding ANY AND ALL work performed, including but
17 not limited to time sheets, computer printouts, data stored on a computer hard drive, or computer disk.

INSTRUCTIONS

19 1. This request requires you to produce all documents that are in your actual or
20 constructive possession, custody or control or that are in the possession, custody or control of your
21 attorneys, accountants, representatives, consultants, agents, employees, or anyone else acting on your
22 behalf.

2. If any requested document was, but is no longer in your possession, you must specify in writing and serve upon the undersigned a list indicating the identity of such documents. Such identification should, for each such document, set forth whether the document (i) has been destroyed, (ii) has been lost, misplaced, or stolen, or (iii) has never been or is no longer, in your possession, custody, or control, in which case the name and address of any person or entity known or believed by you to have possession, custody, or control of that document or category of documents should be

1 identified. In each such instance, explain the circumstances surrounding the disposition and state the
 2 date or approximate date of such disposition and the identity of all persons who you believe to have
 3 knowledge of such disposition.

4 3. If you withhold any of the requested documents from production under a claim of
 5 privilege or other protection, you must serve the undersigned a list of such withheld documents
 6 indicating, for each document withheld, the following information: (i) the date composed or date
 7 appearing on the document; (ii) the author; (iii) the number of pages; (iv) the number of copies made;
 8 (v) the identity of all persons or entities who saw the original document or saw or received a copy of
 9 such document, and the job titles of each such person; (vi) the subject matter; and (vii) the basis for
 10 the claim of privilege.

11 4. This request requires the production of documents either in the same form or in the
 12 same order as they are kept in the usual course of business or organized and labeled to correspond
 13 with the particular demands set forth below. If you choose the former method, the documents are to
 14 be produced in the boxes, file folders, bindings or other containers in which the documents are found.
 15 The titles, labels, or other descriptions on the boxes, file folders, bindings or other containers are to be
 16 left intact.

17 **INSPECTION DEMANDS**

18 **INSPECTION DEMAND NO. 1:**

19 **ALL DOCUMENTS REGARDING YOUR** rest period policies for California hourly
 20 employees in effect between September 27, 2003, **AND** the present.

21 **INSPECTION DEMAND NO. 2:**

22 **ALL DOCUMENTS REGARDING YOUR** meal period policies for California hourly
 23 employees in effect between September 27, 2003, **AND** the present.

24 **INSPECTION DEMAND NO. 3:**

25 **ALL DOCUMENTS REGARDING YOUR** expense reimbursement policies for California
 26 hourly employees in effect between September 27, 2003, **AND** the present.

27 **INSPECTION DEMAND NO. 4:**

28

1 **ALL DOCUMENTS** depicting rest period breaks taken by California hourly employees
2 employed by **YOU** between September 27, 2003, **AND** the present.

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5 **INSPECTION DEMAND NO. 5:**

6 **ALL DOCUMENTS** depicting meal period breaks taken by California hourly employees
7 employed by **YOU** between September 27, 2003, **AND** the present.

8 **INSPECTION DEMAND NO. 6:**

9 **ALL DOCUMENTS** depicting meal period breaks not taken by persons employed by **YOU**
10 in California between September 27, 2003, **AND** the present.

11 **INSPECTION DEMAND NO. 7:**

12 **ALL DOCUMENTS REFERRING, RELATING TO, OR REGARDING** complaints
13 by persons employed by **YOU** in California between September 27, 2003, **AND** the present
14 regarding meal period breaks.

15 **INSPECTION DEMAND NO. 8:**

16 **ALL DOCUMENTS YOU** contend constitute the statements required by California Labor
17 Code Section 226 for each person employed by **YOU** in California from September 27, 2003
18 **AND** the present, paid on an hourly basis for whom Spherion records depict a meal period not
19 taken.

20 **INSPECTION DEMAND NO. 9:**

21 **ALL DOCUMENTS** depicting the organizational structure of **YOUR** human resources
22 department between September 27, 2003, and the present.

23 **INSPECTION DEMAND NO. 10:**

24 **ALL DOCUMENTS REFERRING OR RELATING** to Valerie D. Watson-Smith,
25 including weekly recruiter reports and TAM reports.

26 **INSPECTION DEMAND NO. 11:**

27 **ALL** employee manuals in effect for California hourly employees employed by **YOU**
28 between September 27, 2003, **AND** the present.

1 **INSPECTION DEMAND NO. 12:**

2 **ALL** weekly recruiter reports and TAM reports for recruiters employed by **YOU** between
3 September 23, 2007, AND the present performing recruiting services for Cisco Systems, Inc.

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6 Date: February 14, 2008

QUALLS & WORKMAN, L.L.P.

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By: 

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Daniel H. Qualls
Attorney for Plaintiff

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PROOF OF SERVICE

I, Tammy M. Mazzullo, hereby declare:

I am employed in the City and County of San Francisco, California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Qualls & Workman, L.L.P., 244 California Street, Suite 410, San Francisco, California. On February 14, 2008, I served the **PLAINTIFF VALERIE D. WATSON-SMITH'S FIRST SET OF INSPECTION DEMANDS TO DEFENDANT SPHERION PACIFIC WORKFORCE, LLC.** on the interested parties in this action via mail by placing a true copy thereof, on the above date, enclosed in a sealed envelope following the ordinary business practice of Qualls & Workman, for collection and mailing in the United States mail addressed as set forth below:

Alfred L. Sanderson, Jr., Esq.
SEYFARTH SHAW, LLP
400 Capitol Mall, Suite 2350
Sacramento, CA 95814-4428

I am personally and readily familiar with the business practice of Qualls & Workman for collection and processing of documents for mailing with the U.S. Postal Service, pursuant to which mail placed for collection at designated stations in the ordinary course of business is deposited the same day, proper postage prepaid, with the U.S. Postal Service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on February 14, 2008 in San Francisco, California.


Tammy M. Mazzullo

EXHIBIT H

SEYFARTH SHAW LLP
 Samuel T. McAdam (SBN 186084)
 Alfred L. Sanderson, Jr. (SBN 186071)
 Anthony J. Musante (SBN 252097)
 400 Capitol Mall, Suite 2350
 Sacramento, California 95814-4428
 Telephone: (916) 448-0159
 Facsimile: (916) 558-4839

 Attorneys for Defendant
 Spherion Atlantic Enterprises, LLC sued herein as
 Spherion Pacific Workforce, LLC

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

VALERIE D. WATSON-SMITH, AND ALL OTHER SIMILARLY SITUATED,)	Case No. C 07 05774 JSW
)	
Plaintiff,)	RESPONSE TO PLAINTIFF'S FIRST SET OF INSPECTION DEMANDS
)	
v.)	F.R.C.P. 34
)	
SPHERION PACIFIC WORKFORCE, LLC, and DOES 1 through 100, inclusive)	Superior Court of California, County of Alameda Case Number: 07348378
)	
Defendant.)	Complaint Filed: September 27, 2007
)	
)	

PROPOUNDING PARTY: PLAINTIFF VALERIE D. WATSON-SMITH
 RESPONDING PARTY: DEFENDANT SPHERION PACIFIC WORKFORCE, LLC
 SET NUMBER: ONE

Defendant SPHERION ATLANTIC ENTERPRISES, LLC, by and through its attorneys,
 Seyfarth Shaw LLP, and for its Response to Plaintiff's First Set of Inspection Demands, hereby
 submits its Response to Plaintiff VALERIE D. WATSON-SMITH, states as follows:

PRELIMINARY STATEMENT

Spherion has not completed its investigation, discovery, or analysis, of all the facts of this
 case and has not completed preparation for trial. Accordingly, each of the following responses is
 provided without prejudice to Spherion's right to introduce in response to any motion or at trial

RESPONSE TO PLAINTIFF'S FIRST SET OF INSPECTION DEMANDS

1 any evidence that is subsequently discovered relating to the proof of subsequently discovered
2 material facts. Moreover, facts, documents, and things now known may be imperfectly
3 understood and, accordingly, such facts, documents, and things, may not be included in the
4 following responses. Spherion reserves the right to reference, discover, or offer into evidence at
5 any motion hearing or at the time of trial any and all facts, documents, and things which they do
6 not presently recall but may recall at some time in the future.

7 GENERAL OBJECTIONS

8 The following general objections apply to the entirety of Plaintiff's First Set of Inspection
9 Demands. The assertion of same, similar, or additional objections to the inspection demands
10 does not waive any of Spherion's general objections as set forth below.

11 1. Spherion objects to the First Set of Inspection Demands and each specific request
12 to the extent that it imposes instructions, requirements, or limitations other or greater than those
13 set forth in the FRCP.

14 2. Spherion objects to each inspection demand to the extent that it seeks to impose
15 on Spherion responsibility for disclosing information not within Spherion's possession, custody
16 or control.

17 3. Spherion objects to each inspection demand to the extent that it is overly broad in
18 terms of time and/or scope, unduly burdensome, oppressive, vague, ambiguous, and/or
19 unreasonable.

20 4. Spherion objects to each inspection demand to the extent that it overlaps or is
21 duplicative of other inspection demands.

22 5. Spherion objects to each inspection demand to the extent that it seeks information
23 that is not relevant to this action or reasonably calculated to lead to the discovery of admissible
24 evidence.

25 6. Spherion objects to each inspection demand insofar as it requests the disclosure of
26 any information protected by the attorney-client privilege or the attorney work product doctrine.
27 No such information will be disclosed.

7. Spherion objects to each inspection demand to the extent that it seeks discovery of confidential, trade secret, proprietary, financial, or commercially sensitive information, the disclosure of which would constitute an invasion of the constitutionally protected right of privacy or could result in substantial competitive injury to Spherion or breach by Spherion of an obligation to another to maintain such information confidential.

SPECIFIC RESPONSES AND OBJECTIONS TO INSPECTION DEMAND

INSPECTION DEMAND NO. 1:

ALL DOCUMENTS REGARDING YOUR rest period policies for California hourly employees in effect between September 27, 2003, **AND** the present.

RESPONSE TO INSPECTION DEMAND NO. 1:

Defendant objects to this demand on the grounds that the phrase "rest period policies" is vague and ambiguous. Defendant further objects to this request on the grounds it is beyond the scope of this litigation, as it pertains to rest periods, not meal periods. Defendant further objects to this request on the grounds it fails to identify the documents sought with a level of specificity to enable defendant to know the precise documents being sought. Defendant further objects to this request on the grounds that it is unduly burdensome, oppressive, overbroad and harassing, as it relates to policies for thousands of employees, employed at hundreds of locations throughout the state, working for thousands of different clients. Defendant further objects to this request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine.

INSPECTION DEMAND NO. 2:

ALL DOCUMENTS REGARDING YOUR meal period policies for California hourly employees in effect between September 27, 2003, **AND** the present.

RESPONSE TO INSPECTION DEMAND NO. 2:

Defendant objects to this demand on the grounds that the phrase "meal period policies" is vague and ambiguous. Defendant further objects to this request on the grounds it fails to identify the documents sought with a level of specificity to enable defendant to know the precise

1 documents being sought. Defendant further objects to this request on the grounds that it is
2 unduly burdensome, oppressive, overbroad and harassing, as it relates to policies for thousands
3 of employees, employed at hundreds of locations throughout the state, working for thousands of
4 different clients. Defendant further objects to this request to the extent that it seeks information
5 protected by the attorney-client privilege and/or the attorney work product doctrine.

6 Notwithstanding the foregoing objections, defendant responds as follows: Defendant will
7 produced non-privileged, responsive documents within its possession, custody or control.

8 **INSPECTION DEMAND NO. 3:**

9 **ALL DOCUMENTS REGARDING YOUR** expense reimbursement policies for
10 California hourly employees in effect between September 27, 2003, **AND** the present.

11 **RESPONSE TO INSPECTION DEMAND NO. 3:**

12 Defendant objects to this demand on the grounds that the phrase "expense reimbursement
13 policies" is vague and ambiguous. Defendant further objects to this request on the grounds it
14 fails to identify the documents sought with a level of specificity to enable defendant to know the
15 precise documents being sought. Defendant further objects to this request on the grounds that it
16 is unduly burdensome, oppressive, overbroad and harassing, as it relates to policies for thousands
17 of employees, employed at hundreds of locations throughout the state, working for thousands of
18 different clients. Defendant further objects to this request to the extent that it seeks information
19 protected by the attorney-client privilege and/or the attorney work product doctrine.

20 Notwithstanding the foregoing objections, defendant responds as follows: Defendant will
21 produced non-privileged, responsive documents within its possession, custody or control.

22 **INSPECTION DEMAND NO. 4:**

23 **ALL DOCUMENTS** depicting rest period breaks taken by California hourly employees
24 employed by YOU between September 27, 2003, **AND** the present.

25 **RESPONSE TO INSPECTION DEMAND NO. 4:**

26 Defendant objects to this demand on the grounds that the phrase "rest period breaks
27 taken" is vague and ambiguous. Defendant further objects to this request on the grounds it is
28 beyond the scope of this litigation, as it pertains to rest breaks, not meal periods. Defendant

1 further objects to this request on the grounds it fails to identify the documents sought with a level
2 of specificity to enable defendant to know the precise documents being sought. Defendant
3 further objects to this request on the grounds that it is unduly burdensome, oppressive, overbroad
4 and harassing, as it requests documents for thousands of employees, employed at hundreds of
5 locations throughout the state, working for thousands of different clients. Defendant further
6 objects to this request to the extent that it seeks information protected by the attorney-client
7 privilege and/or the attorney work product doctrine. Defendant further objects to this request on
8 the grounds that it is premature in that it seeks information pertaining to the merits of the
9 litigation and is not limited to the issues pertaining to class certification. Defendant further
10 objects to this request on the grounds that it seeks information protected by the constitutional
11 right to privacy of current and former employees of defendant.

12 **INSPECTION DEMAND NO. 5:**

13 ALL DOCUMENTS depicting meal period breaks taken by California hourly employees
14 employed by YOU between September 27, 2003, AND the present.

15 **RESPONSE TO INSPECTION DEMAND NO. 5:**

16 Defendant objects to this demand on the grounds that the phrase "meal period breaks
17 taken" is vague and ambiguous. Defendant further objects to this request on the grounds it fails
18 to identify the documents sought with a level of specificity to enable defendant to know the
19 precise documents being sought. Defendant further objects to this request on the grounds that it
20 is unduly burdensome, oppressive, overbroad and harassing, as it requests documents for
21 thousands of employees, employed at hundreds of locations throughout the state, working for
22 thousands of different clients. Defendant further objects to this request to the extent that it seeks
23 information protected by the attorney-client privilege and/or the attorney work product doctrine.
24 Defendant further objects to this request on the grounds that it is premature in that it seeks
25 information pertaining to the merits of the litigation and is not limited to the issues pertaining to
26 class certification. Defendant further objects to this request on the grounds that it seeks
27 information protected by the constitutional right to privacy of current and former employees of
28 defendant.

INSPECTION DEMAND NO. 6:

ALL DOCUMENTS depicting meal period breaks not taken by persons employed by **YOU** in California between September 27, 2003, **AND** the present.

RESPONSE TO INSPECTION DEMAND NO. 6:

Defendant objects to this demand on the grounds that the phrase "meal period breaks not taken" is vague and ambiguous. Defendant further objects to this request on the grounds it fails to identify the documents sought with a level of specificity to enable defendant to know the precise documents being sought. Defendant further objects to this request on the grounds that it is unduly burdensome, oppressive, overbroad and harassing, as it requests documents for thousands of employees, employed at hundreds of locations throughout the state, working for thousands of different clients. Defendant further objects to this request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Defendant further objects to this request on the grounds that it is premature in that it seeks information pertaining to the merits of the litigation and is not limited to the issues pertaining to class certification. Defendant further objects to this request on the grounds that it seeks information protected by the constitutional right to privacy of current and former employees of defendant.

INSPECTION DEMAND NO. 7:

ALL DOCUMENTS REFERRING, RELATING TO, OR REGARDING complaints by persons employed by **YOU** in California between September 27, 2003, **AND** the present regarding meal period breaks.

RESPONSE TO INSPECTION DEMAND NO. 7:

Defendant objects to this demand on the grounds that the phrase "complaints . . . regarding meal period breaks" is vague and ambiguous. Defendant further objects to this request on the grounds it fails to identify the documents sought with a level of specificity to enable defendant to know the precise documents being sought. Defendant further objects to this request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Defendant further objects to this request on the grounds that it is

1 unduly burdensome, oppressive, overbroad and harassing, as it seeks information potentially
2 related to thousands of individuals employed at hundreds of locations throughout the state,
3 working for thousands of different clients, before this case even has been certified as a class
4 action. Defendant further objects to this request on the grounds that it is premature in that it
5 seeks information pertaining to the merits of the litigation and is not limited to the issues
6 pertaining to class certification. Defendant further objects to this request on the grounds that it
7 seeks information protected by the constitutional right to privacy of current and former
8 employees of defendant.

9 **INSPECTION DEMAND NO. 8:**

10 **ALL DOCUMENTS YOU** contend constitute the statements required by California
11 Labor Code Section 226 for each person employed by **YOU** in California from September 27,
12 2003 **AND** the present, paid on an hourly basis for whom Spherion records depict a meal period
13 not taken.

14 **RESPONSE TO INSPECTION DEMAND NO. 8:**

15 Defendant objects to this demand on the grounds it is vague, ambiguous and
16 unintelligible, particularly with regard to the phrase "meal period not taken." Defendant further
17 objects to this request on the grounds it fails to identify the documents sought with a level of
18 specificity to enable defendant to know the precise documents being sought. Defendant further
19 objects to this request on the grounds that it is premature in that it seeks information pertaining to
20 the merits of the litigation and is not limited to the issues pertaining to class certification.
21 Defendant further objects to this request on the grounds that it is unduly burdensome, oppressive,
22 overbroad and harassing, as it seeks information related to thousands of individuals employed at
23 hundreds of locations throughout the state, working for thousands of different clients, before this
24 case even has been certified as a class action. Defendant further objects to this request to the
25 extent it calls for a legal conclusion. Defendant further objects to this request to the extent that it
26 seeks information protected by the attorney-client privilege and/or the attorney work product
27 doctrine. Defendant further objects to this request on the grounds that it seeks information
28 protected by the constitutional right to privacy of current and former employees of defendant.

1 **INSPECTION DEMAND NO. 9:**

2 ALL DOCUMENTS depicting the organizational structure of YOUR human resources
3 department between September 27, 2003, and the present.

4 **RESPONSE TO INSPECTION DEMAND NO. 9:**

5 Defendant objects to this demand on the grounds that the phrase "organizational structure
6 of YOUR human resources department" is vague and ambiguous. Defendant further objects to
7 this request on the grounds it seeks documents neither relevant to this litigation or reasonably
8 calculated to lead to the discovery of admissible evidence. Defendant further objects to this
9 request to the extent that it seeks information protected by the attorney-client privilege and/or the
10 attorney work product doctrine. Defendant further objects to this request on the grounds that it
11 seeks information protected by the constitutional right to privacy of current and former
12 employees of defendant.

13 Notwithstanding the foregoing objections, defendant responds as follows: Defendant will
14 produced non-privileged, responsive documents within its possession, custody or control.

15 **INSPECTION DEMAND NO. 10:**

16 ALL DOCUMENTS REFERRING OR RELATING to Valerie D. Watson-Smith,
17 including weekly recruiter reports and TAM reports.

18 **RESPONSE TO INSPECTION DEMAND NO. 10:**

19 Defendant objects to this demand on the grounds that the phrases "weekly recruiter
20 reports" and "TAM reports" are vague and ambiguous. Defendant further objects to this demand
21 to the extent it is overbroad and burdensome and seeks information not reasonably calculated to
22 lead to the discovery of admissible evidence. Defendant further objects to this request on the
23 grounds it fails to identify the documents sought with a level of specificity to enable defendant to
24 know the precise documents being sought.

25 Notwithstanding the foregoing objections, Defendant replies as follows: Defendant will
26 produce responsive, non-privileged documents within its possession, custody or control.

INSPECTION DEMAND NO. 11:

ALL employee manuals in effect for California hourly employees employed by YOU between September 27, 2003, AND the present.

RESPONSE TO INSPECTION DEMAND NO. 11:

Defendant objects to this request on the grounds it is vague and ambiguous, particularly with regard to the term "employee manuals." Defendant further objects to this demand on the grounds it is overbroad and to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds it fails to identify the documents sought with a level of specificity to enable defendant to know the precise documents being sought. Defendant further objects to this request on the grounds that it is unduly burdensome, oppressive, overbroad and harassing, as it seeks documents potentially related to thousands of individuals employed at hundreds of locations throughout the state, working for thousands of different clients, before this case even has been certified as a class action. Defendant further objects to this request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine.

INSPECTION DEMAND NO. 12:

ALL weekly recruiter reports and TAM reports for recruiters employed by YOU between September 23, 2007, AND the present performing recruiting services for Cisco Systems, Inc.

RESPONSE TO INSPECTION DEMAND NO. 12:

Defendant objects to this demand on the grounds that the phrases "weekly recruiter reports" and "TAM reports" are vague and ambiguous. Defendant further objects to this demand to the extent that it calls for a legal conclusion and for disclosure of information protected by the attorney-client privilege and/or the attorney work product doctrine. Defendant further objects to this demand to the extent it is overbroad and burdensome and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds it fails to identify the documents sought with a level of specificity to enable defendant to know the precise documents being sought. Defendant further objects to this request on the grounds that it is premature in that it seeks information pertaining to the merits of

1 the litigation and is not limited to the issues pertaining to class certification. Defendant further
2 objects to this request on the grounds that it seeks information protected by the constitutional
3 right to privacy of current and former employees of defendant.

4
5 DATED: March 28, 2008

SEYFARTH SHAW LLP

6
7 By 

Samuel T. McAdams

Alfred L. Sanderson, Jr.

Anthony J. Musante

Attorneys for Defendants

SPHERION ATLANTIC ENTERPRISES LLC

VERIFICATION

I, Jennie Dede, declare:

I am a Director of Operations for defendant Spherion Atlantic Enterprises, LLC., and am authorized to make this verification on its behalf.

I have read the foregoing **RESPONSE TO PLAINTIFF'S FIRST SET OF INSPECTION DEMANDS**, and know the contents thereof. The same are true and correct of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 20th day of March __, 2008, at CISCO RTP CAMPUS

NC.

J. Dede
Jennie Dede

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Seyfarth Shaw LLP, 400 Capitol Mall, Suite 2350, Sacramento, California 95814-4428. On March 28, 2008, I served the within documents:

RESPONSE TO PLAINTIFF'S FIRST SET OF INSPECTION DEMANDS

☐ I sent such document from facsimile machine (916) 558-4839 on March 28, 2008. I certify that said transmission was completed and that all pages were received and that a report was generated by facsimile machine (916) 558-4839 which confirms said transmission and receipt. I, thereafter, mailed a copy to the interested party(ies) in this action by placing a true copy thereof enclosed in sealed envelope(s) addressed to the parties listed below.

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at 400 Capitol Mall, Suite 2350, Sacramento, California 95814, addressed as set forth below.

☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

☐ by placing the document(s) listed above, together with an unsigned copy of this declaration, in a sealed Federal Express envelope with postage paid on account and deposited with Federal Express at Sacramento, California, addressed as set forth below.

Daniel H. Qualls
Robin G. Workman
Qualls & Workman LLP
244 California Street, Suite 410
San Francisco, CA 94111
(415) 782-3660
(415) 788-1028

David Sanford
Meenoo Chahbazi
Sanford, Wittels & Heisler LLP
1666 Connecticut Avenue, N.W., Suite 310
Washington, D.C. 20009
(202) 742-7780
(202) 742-7776

Grant Morris
Law Office of Grant E. Morris
1666 Connecticut Avenue, N.W., Suite 310
Washington, D.C. 20009
(202) 742-7783
(202) 742-7776

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than on day after the date of deposit for mailing in affidavit.

PROOF OF SERVICE

SC1 17088288.1

EXHIBIT I

Daniel H. Qualls, Bar No. 109036
 Robin G. Workman, Bar No. 145810
QUALLS & WORKMAN, LLP
 244 California Street, Suite 410
 San Francisco, CA 94111
 Telephone: (415) 782-3660
 Facsimile: (415) 788-1028

David Sanford, D.C. Bar No. 457933
 Meenoo Chahbazi, CA Bar No. 233985
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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

VALERIE D. WATSON-SMITH, AND ALL
 OTHERS SIMILARLY SITUATED,

Plaintiff,

vs.

SPHERION PACIFIC WORKFORCE, LLC, and
 DOES 1 through 100, inclusive,

Defendants.

No. C07-05774

**PLAINTIFF VALERIE D. WATSON-
 SMITH'S SECOND SET OF
 INSPECTION DEMANDS TO
 DEFENDANT SPHERION PACIFIC
 WORKFORCE, LLC.**

F.R.C.P. 34

PROPOUNDING PARTY: Plaintiff Valerie D. Watson-Smith

RESPONDING PARTY: Defendant Spherion Pacific Workforce, LLC

SET: TWO

1 Pursuant to Federal Rules of Civil Procedure, Rule 34, Plaintiff Valerie D. Watson-
2 Smith hereby requests that Defendant Spherion Pacific Workforce, LLC ("SPHERION") identify,
3 produce and permit for inspection and copying the below listed documents that are in the possession,
4 custody, or control of SPHERION pursuant to the instructions and definitions contained herein.

5 The written responses and documents must be produced within thirty (30) days from the date
6 of service, plus an additional five (5) days if service of this demand is made by mail, pursuant to
7 Federal Rules of Civil Procedure, Rule 34.

8 **DEFINITIONS**

9 1. The terms "YOU," "YOUR" or "YOURS" refer to Spherion and, if applicable, the
10 agents, employees, officers, and directors of same or of any subsidiary or divisions thereof, and their
11 attorneys and those persons employed by their attorneys.

12 2. The terms "DOCUMENT" or "DOCUMENTS" shall mean any tangible thing upon
13 which any expression, communication or representation has been recorded by any means including,
14 but not limited to, "COMPUTER RECORDS," "E-MAIL RECORDS," handwriting, typewriting,
15 printing, photostating, photographing, audiotaping, videotaping, magnetic impulse, or mechanical or
16 electronic recording and any nonidentical copies (whether different from the original because of notes
17 made on such copies, because of indications that said copies were sent to different individuals than
18 were the originals, or because of any other reason), including but not limited to working papers,
19 preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes, scripts, records
20 of any sort of meetings, invoices, financial statements, financial calculations, diaries, reports of
21 telephone or other oral conversations, desk calendars, appointment books, audio or video tape
22 recordings, microfilm, microfiche, computer tape, computer disk, computer printout, computer card,
23 and all other writings and recordings of every kind that are in your actual or constructive possession,
24 custody or control.

25 3. "COMPUTER RECORDS" shall mean any tangible thing upon which any
26 expression, communication or representation has been recorded by any means including, but not
27 limited to, network server storage, backup storage, online server storage, microfilm, microfiche,
28 computer tape, computer disk, computer floppy diskette, computer printout, computer card, computer

1 hard drive, computer floppy drive, removable computer drive storage, scanner, computer facsimile,
2 printing, photostating, photographing, video recording, audio recording, magnetic impulse, or other
3 means of electronic recording and any nonidentical copies (whether different from the original
4 because of notes made on such copies, because of indications that said copies were sent to different
5 individuals than were the originals, or because of any other reason), including but not limited to
6 working papers, preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes,
7 scripts, records of any sort of meetings, invoices, financial statements, financial calculations, diaries,
8 reports of telephone or other oral conversations, calendars, task schedulers, audio or video recordings,
9 and all other writings and recordings of every kind that are in your actual or constructive possession,
10 custody or control.

11 4. **"E-MAIL RECORDS"** shall mean any and all tangible thing upon which any
12 expression, communication or representation has been recorded by any means including, but not
13 limited to, any form of electronic mail, Internet online e-mail, any form of interoffice and/or
14 intraoffice network e-mail, printouts of documents from Internet online e-mail or interoffice and
15 intraoffice network e-mail, including any copies which may be stored electronically in any manner
16 including, but not limited to, network server storage, backup storage, online server storage,
17 microfilm, microfiche, computer tape, computer disk, computer floppy diskette, computer printout,
18 computer card, computer hard drive, computer floppy drive, removable computer drive storage,
19 scanner, computer facsimile, printing, photostating, photographing, video recording, audio recording,
20 magnetic impulse, or other means of electronic recording and any nonidentical copies (whether
21 different from the original because of notes made on such copies, because of indications that said
22 copies were sent to different individuals than were the originals, or because of any other reason),
23 including but not limited to working papers, preliminary, intermediate or final drafts, correspondence,
24 memoranda, charts, notes, scripts, records of any sort of meetings, invoices, financial statements,
25 financial calculations, diaries, reports of telephone or other oral conversations, calendars, task
26 schedulers, audio or video recordings, and all other writings and recordings of every kind that are in
27 your actual or constructive possession, custody or control.

28

1 5. To "**IDENTIFY**" documents means to provide a brief description of each document
2 sufficient to support a request for production, including at least the type of document, date of the
3 document, identification of the author and recipient (if any), all persons who received or saw copies.

4 6. To "**IDENTIFY**" a person means to state the person's name and business address,
5 and additionally, in the case of a natural person, his home address, occupation or job title and
6 employer both presently and at the time to which the interrogatory relates and such other information
7 as should be sufficient to notice the deposition of such person and to serve such person with a
8 subpoena.

9 7. As used herein, the term "**ALL**" is synonymous with "**ANY**" and the term "**OR**"
10 means "**AND/OR**."

11 8. As used herein, the terms "**REGARDING**," "**REFER**," or "**RELATE**" means
12 relating to, referring to, pertaining to, reflecting, substantiating, evidencing, constituting, or in any
13 manner whatsoever logically or factually connected with the matter referenced, whether in whole or
14 in part.

15 9. As used herein, the term "**TIME RECORDS**" **REFERS TO ANY AND ALL**
16 **DOCUMENTS** reflecting time entries regarding **ANY AND ALL** work performed, including but
17 not limited to time sheets, computer printouts, data stored on a computer hard drive, or computer disk.

18 **INSTRUCTIONS**

19 1. This request requires you to produce all documents that are in your actual or
20 constructive possession, custody or control or that are in the possession, custody or control of your
21 attorneys, accountants, representatives, consultants, agents, employees, or anyone else acting on your
22 behalf.

23 2. If any requested document was, but is no longer in your possession, you must specify
24 in writing and serve upon the undersigned a list indicating the identity of such documents. Such
25 identification should, for each such document, set forth whether the document (i) has been destroyed,
26 (ii) has been lost, misplaced, or stolen, or (iii) has never been or is no longer, in your possession,
27 custody, or control, in which case the name and address of any person or entity known or believed by
28 you to have possession, custody, or control of that document or category of documents should be

1 identified. In each such instance, explain the circumstances surrounding the disposition and state the
2 date or approximate date of such disposition and the identity of all persons who you believe to have
3 knowledge of such disposition.

4 3. If you withhold any of the requested documents from production under a claim of
5 privilege or other protection, you must serve the undersigned a list of such withheld documents
6 indicating, for each document withheld, the following information: (i) the date composed or date
7 appearing on the document; (ii) the author; (iii) the number of pages; (iv) the number of copies made;
8 (v) the identity of all persons or entities who saw the original document or saw or received a copy of
9 such document, and the job titles of each such person; (vi) the subject matter; and (vii) the basis for
10 the claim of privilege.

11 4. This request requires the production of documents either in the same form or in the
12 same order as they are kept in the usual course of business or organized and labeled to correspond
13 with the particular demands set forth below. If you choose the former method, the documents are to
14 be produced in the boxes, file folders, bindings or other containers in which the documents are found.
15 The titles, labels, or other descriptions on the boxes, file folders, bindings or other containers are to be
16 left intact.

17 **INSPECTION DEMANDS**

18
19 **INSPECTION DEMAND NO. 13:**

20 **ALL staffing agreements between YOU AND California customers in effect between**
21 **September 27, 2007, AND the present.**

22
23
24 Date: April 14, 2008

QUALLS & WORKMAN, L.L.P.

25
26 By: 

27 Daniel H. Qualls
28 Attorney for Plaintiff

PROOF OF SERVICE

I, Tammy M. Mazzullo, hereby declare:

I am employed in the City and County of San Francisco, California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Qualls & Workman, L.L.P., 244 California Street, Suite 410, San Francisco, California. On April 14, 2008, I **PLAINTIFF VALERIE WATSON-SMITH'S SECOND SET OF INSPECTION DEMANDS** on the interested parties in this action via mail by placing a true copy thereof, on the above date, enclosed in a sealed envelope following the ordinary business practice of Qualls & Workman, for collection and mailing in the United States mail addressed as set forth below:

Alfred L. Sanderson, Jr., Esq.
SEYFARTH SHAW, LLP
400 Capitol Mall, Suite 2350
Sacramento, CA 95814-4428

I am personally and readily familiar with the business practice of Qualls & Workman for collection and processing of documents for mailing with the U.S. Postal Service, pursuant to which mail placed for collection at designated stations in the ordinary course of business is deposited the same day, proper postage prepaid, with the U.S. Postal Service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on April 14, 2008 in San Francisco, California.


Tammy M. Mazzullo

EXHIBIT J

1 SEYFARTH SHAW LLP
Samuel T. McAdam (SBN 186084)
2 Alfred L. Sanderson, Jr. (SBN 186071)
Anthony J. Musante (SBN 252097)
3 400 Capitol Mall, Suite 2350
Sacramento, California 95814-4428
4 Telephone: (916) 448-0159
Facsimile: (916) 558-4839

5 Attorneys for Defendant
6 Spherion Atlantic Enterprises, LLC sued herein as
Spherion Pacific Workforce, LLC
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 VALERIE D. WATSON-SMITH, AND ALL
11 OTHER SIMILARLY SITUATED,

12 Plaintiff,

13 v.

14 SPHERION PACIFIC WORKFORCE, LLC,
and DOES 1 through 100, inclusive

15 Defendant.
16
17

Case No. C 07 05774 JSW

**RESPONSE TO PLAINTIFF'S SECOND
SET OF INSPECTION DEMANDS**

F.R.C.P. 34

Superior Court of California, County of
Alameda Case Number: 07348378

Complaint Filed: September 27, 2007

18
19 PROPOUNDING PARTY: PLAINTIFF VALERIE D. WATSON-SMITH

20 RESPONDING PARTY: DEFENDANT SPHERION PACIFIC WORKFORCE, LLC

21 SET NUMBER: TWO

22 Defendant SPHERION ATLANTIC ENTERPRISES, LLC, by and through its attorneys,
23 Seyfarth Shaw LLP, and for its Response to Plaintiff's Second Set of Inspection Demands,
24 hereby submits its Response to Plaintiff VALERIE D. WATSON-SMITH, states as follows:

25 **PRELIMINARY STATEMENT**

26 Spherion has not completed its investigation, discovery, or analysis, of all the facts of this
27 case and has not completed preparation for trial. Accordingly, each of the following responses is
28 provided without prejudice to Spherion's right to introduce in response to any motion or at trial

RESPONSE TO PLAINTIFF'S SECOND SET OF INSPECTION DEMANDS

1 any evidence that is subsequently discovered relating to the proof of subsequently discovered
2 material facts. Moreover, facts, documents, and things now known may be imperfectly
3 understood and, accordingly, such facts, documents, and things, may not be included in the
4 following responses. Spherion reserves the right to reference, discover, or offer into evidence at
5 any motion hearing or at the time of trial any and all facts, documents, and things which they do
6 not presently recall but may recall at some time in the future.

7 GENERAL OBJECTIONS

8 The following general objections apply to the entirety of Plaintiff's Second Set of
9 Inspection Demands. The assertion of same, similar, or additional objections to the inspection
10 demands does not waive any of Spherion's general objections as set forth below.

11 1. Spherion objects to the Second Set of Inspection Demands and each specific
12 request to the extent that it imposes instructions, requirements, or limitations other or greater
13 than those set forth in the FRCP.

14 2. Spherion objects to each inspection demand to the extent that it seeks to impose
15 on Spherion responsibility for disclosing information not within Spherion's possession, custody
16 or control.

17 3. Spherion objects to each inspection demand to the extent that it is overly broad in
18 terms of time and/or scope, unduly burdensome, oppressive, vague, ambiguous, and/or
19 unreasonable.

20 4. Spherion objects to each inspection demand to the extent that it overlaps or is
21 duplicative of other inspection demands.

22 5. Spherion objects to each inspection demand to the extent that it seeks information
23 that is not relevant to this action or reasonably calculated to lead to the discovery of admissible
24 evidence.

25 6. Spherion objects to each inspection demand insofar as it requests the disclosure of
26 any information protected by the attorney-client privilege or the attorney work product doctrine.
27 No such information will be disclosed.

7. Spherion objects to each inspection demand to the extent that it seeks discovery of confidential, trade secret, proprietary, financial, or commercially sensitive information, the disclosure of which would constitute an invasion of the constitutionally protected right of privacy or could result in substantial competitive injury to Spherion or breach by Spherion of an obligation to another to maintain such information confidential.

SPECIFIC RESPONSES AND OBJECTIONS TO INSPECTION DEMAND

INSPECTION DEMAND NO. 13:

ALL staffing agreements between **YOU AND** California customers in effect between September 27, 2007, **AND** the present.

RESPONSE TO INSPECTION DEMAND NO. 13:

Defendant objects to this demand on the grounds that the phrase "staffing agreements" is vague and ambiguous. Defendant further objects to this request on the grounds it fails to identify the documents sought with a level of specificity to enable defendant to know the precise documents being sought. Defendant further objects to this request on the grounds that it is unduly burdensome, oppressive, overbroad and harassing, as it relates to agreements for potentially thousands of different clients. Defendant further objects to this request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine.

DATED: May 15, 2008

SEYFARTH SHAW LLP

By 

Samuel T. McAdam

Alfred L. Sanderson, Jr.

Anthony J. Musante

Attorneys for Defendants

SPHERION ATLANTIC ENTERPRISES LLC

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
 3) ss
 3 COUNTY OF SACRAMENTO)

4 I am a resident of the State of California, over the age of eighteen years, and not a party
 5 to the within action. My business address is Seyfarth Shaw LLP, 400 Capitol Mall, Suite 2350,
 5 Sacramento, California 95814-4428. On May 16, 2008, I served the within documents:

6 **RESPONSE TO PLAINTIFF'S SECOND SET OF INSPECTION DEMANDS**

7 ☐ I sent such document from facsimile machine (916) 558-4839 on May 16, 2008. I
 8 certify that said transmission was completed and that all pages were received and that
 9 a report was generated by facsimile machine (916) 558-4839 which confirms said
 9 transmission and receipt. I, thereafter, mailed a copy to the interested party(ies) in this
 10 action by placing a true copy thereof enclosed in sealed envelope(s) addressed to the
 10 parties listed below.

11 ☒ by placing the document(s) listed above in a sealed envelope with postage thereon
 12 fully prepaid, in the United States mail at 400 Capitol Mall, Suite 2350, Sacramento,
 12 California 95814, addressed as set forth below.

13 ☐ by personally delivering the document(s) listed above to the person(s) at the
 13 address(es) set forth below.

14 ☐ by placing the document(s) listed above, together with an unsigned copy of this
 15 declaration, in a sealed Federal Express envelope with postage paid on account and
 16 deposited with Federal Express at Sacramento, California, addressed as set forth
 16 below.

17 Daniel H. Qualls
 18 Robin G. Workman
 18 Qualls & Workman LLP
 19 244 California Street, Suite 410
 19 San Francisco, CA 94111
 20 (415) 782-3660
 20 (415) 788-1028

David Sanford
 Meenoo Chahbazi
 Sanford, Wittels & Heisler LLP
 1666 Connecticut Avenue, N.W., Suite 310
 Washington, D.C. 20009
 (202) 742-7780
 (202) 742-7776

21 Grant Morris
 22 Law Office of Grant E. Morris
 23 1666 Connecticut Avenue, N.W., Suite 310
 23 Washington, D.C. 20009
 24 (202) 742-7783
 24 (202) 742-7776

25 I am readily familiar with the firm's practice of collection and processing correspondence
 26 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
 27 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
 28 motion of the party served, service is presumed invalid if postal cancellation date or postage
 meter date is more than on day after the date of deposit for mailing in affidavit.

PROOF OF SERVICE

EXHIBIT K

Daniel H. Qualls, Bar No. 109036
 Robin G. Workman, Bar No. 145810
QUALLS & WORKMAN, LLP
 244 California Street, Suite 410
 San Francisco, CA 94111
 Telephone: (415) 782-3660
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David Sanford, D.C. Bar No. 457933
 Meenoo Chahbazi, CA Bar No. 233985
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 Washington, D.C. 20009
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Grant Morris, D.C. Bar No. 926253
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 1666 Connecticut Avenue, N.W., Suite 310
 Washington, D.C. 20009
 Telephone: (202) 742-7783
 Facsimile: (202) 742-7776

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

VALERIE D. WATSON-SMITH, AND ALL
 OTHERS SIMILARLY SITUATED,

Plaintiff,

vs.

SPHERION PACIFIC WORKFORCE, LLC, and
 DOES 1 through 100, inclusive,

Defendants.

No. C07-05774

**PLAINTIFF VALERIE D. WATSON-
 SMITH'S THIRD SET OF
 INSPECTION DEMANDS TO
 DEFENDANT SPHERION PACIFIC
 WORKFORCE, LLC.**

F.R.C.P. 34

PROPOUNDING PARTY: Plaintiff Valerie D. Watson-Smith

RESPONDING PARTY: Defendant Spherion Pacific Workforce, LLC

SET: Three

1 Pursuant to Federal Rules of Civil Procedure, Rule 34, Plaintiff Valerie D. Watson-
2 Smith hereby requests that Defendant Spherion Pacific Workforce, LLC ("SPHERION") identify,
3 produce and permit for inspection and copying the below listed documents that are in the possession,
4 custody, or control of SPHERION pursuant to the instructions and definitions contained herein.

5 The written responses and documents must be produced within thirty (30) days from the date
6 of service, plus an additional five (5) days if service of this demand is made by mail, pursuant to
7 Federal Rules of Civil Procedure, Rule 34.

8 **DEFINITIONS**

9 1. The terms "YOU," "YOUR" or "YOURS" refer to Spherion and, if applicable, the
10 agents, employees, officers, and directors of same or of any subsidiary or divisions thereof, and their
11 attorneys and those persons employed by their attorneys.

12 2. The terms "DOCUMENT" or "DOCUMENTS" shall mean any tangible thing upon
13 which any expression, communication or representation has been recorded by any means including,
14 but not limited to, "COMPUTER RECORDS," "E-MAIL RECORDS," handwriting, typewriting,
15 printing, photostating, photographing, audiotaping, videotaping, magnetic impulse, or mechanical or
16 electronic recording and any nonidentical copies (whether different from the original because of notes
17 made on such copies, because of indications that said copies were sent to different individuals than
18 were the originals, or because of any other reason), including but not limited to working papers,
19 preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes, scripts, records
20 of any sort of meetings, invoices, financial statements, financial calculations, diaries, reports of
21 telephone or other oral conversations, desk calendars, appointment books, audio or video tape
22 recordings, microfilm, microfiche, computer tape, computer disk, computer printout, computer card,
23 and all other writings and recordings of every kind that are in your actual or constructive possession,
24 custody or control.

25 3. "COMPUTER RECORDS" shall mean any tangible thing upon which any
26 expression, communication or representation has been recorded by any means including, but not
27 limited to, network server storage, backup storage, online server storage, microfilm, microfiche,
28 computer tape, computer disk, computer floppy diskette, computer printout, computer card, computer

1 hard drive, computer floppy drive, removable computer drive storage, scanner, computer facsimile,
2 printing, photostating, photographing, video recording, audio recording, magnetic impulse, or other
3 means of electronic recording and any nonidentical copies (whether different from the original
4 because of notes made on such copies, because of indications that said copies were sent to different
5 individuals than were the originals, or because of any other reason), including but not limited to
6 working papers, preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes,
7 scripts, records of any sort of meetings, invoices, financial statements, financial calculations, diaries,
8 reports of telephone or other oral conversations, calendars, task schedulers, audio or video recordings,
9 and all other writings and recordings of every kind that are in your actual or constructive possession,
10 custody or control.

11 4. **"E-MAIL RECORDS"** shall mean any and all tangible thing upon which any
12 expression, communication or representation has been recorded by any means including, but not
13 limited to, any form of electronic mail, Internet online e-mail, any form of interoffice and/or
14 intraoffice network e-mail, printouts of documents from Internet online e-mail or interoffice and
15 intraoffice network e-mail, including any copies which may be stored electronically in any manner
16 including, but not limited to, network server storage, backup storage, online server storage,
17 microfilm, microfiche, computer tape, computer disk, computer floppy diskette, computer printout,
18 computer card, computer hard drive, computer floppy drive, removable computer drive storage,
19 scanner, computer facsimile, printing, photostating, photographing, video recording, audio recording,
20 magnetic impulse, or other means of electronic recording and any nonidentical copies (whether
21 different from the original because of notes made on such copies, because of indications that said
22 copies were sent to different individuals than were the originals, or because of any other reason),
23 including but not limited to working papers, preliminary, intermediate or final drafts, correspondence,
24 memoranda, charts, notes, scripts, records of any sort of meetings, invoices, financial statements,
25 financial calculations, diaries, reports of telephone or other oral conversations, calendars, task
26 schedulers, audio or video recordings, and all other writings and recordings of every kind that are in
27 your actual or constructive possession, custody or control.

28

1 5. To **"IDENTIFY"** documents means to provide a brief description of each document
2 sufficient to support a request for production, including at least the type of document, date of the
3 document, identification of the author and recipient (if any), all persons who received or saw copies.

4 6. To **"IDENTIFY"** a person means to state the person's name and business address,
5 and additionally, in the case of a natural person, his home address, occupation or job title and
6 employer both presently and at the time to which the interrogatory relates and such other information
7 as should be sufficient to notice the deposition of such person and to serve such person with a
8 subpoena.

9 7. As used herein, the term "ALL" is synonymous with "ANY" and the term "OR"
10 means "AND/OR."

11 8. As used herein, the terms "REGARDING," "REFER, or "RELATE" means
12 relating to, referring to, pertaining to, reflecting, substantiating, evidencing, constituting, or in any
13 manner whatsoever logically or factually connected with the matter referenced, whether in whole or
14 in part.

15 9. As used herein, the term **"TIME RECORDS"** REFERS TO ANY AND ALL
16 **DOCUMENTS** reflecting time entries regarding **ANY AND ALL** work performed, including but
17 not limited to time sheets, computer printouts, data stored on a computer hard drive, or computer disk.

INSTRUCTIONS

19 1. This request requires you to produce all documents that are in your actual or
20 constructive possession, custody or control or that are in the possession, custody or control of your
21 attorneys, accountants, representatives, consultants, agents, employees, or anyone else acting on your
22 behalf.

23 2. If any requested document was, but is no longer in your possession, you must specify
24 in writing and serve upon the undersigned a list indicating the identity of such documents. Such
25 identification should, for each such document, set forth whether the document (i) has been destroyed,
26 (ii) has been lost, misplaced, or stolen, or (iii) has never been or is no longer, in your possession,
27 custody, or control, in which case the name and address of any person or entity known or believed by
28 you to have possession, custody, or control of that document or category of documents should be

1 identified. In each such instance, explain the circumstances surrounding the disposition and state the
 2 date or approximate date of such disposition and the identity of all persons who you believe to have
 3 knowledge of such disposition.

4 3. If you withhold any of the requested documents from production under a claim of
 5 privilege or other protection, you must serve the undersigned a list of such withheld documents
 6 indicating, for each document withheld, the following information: (i) the date composed or date
 7 appearing on the document; (ii) the author; (iii) the number of pages; (iv) the number of copies made;
 8 (v) the identity of all persons or entities who saw the original document or saw or received a copy of
 9 such document, and the job titles of each such person; (vi) the subject matter; and (vii) the basis for
 10 the claim of privilege.

11 4. This request requires the production of documents either in the same form or in the
 12 same order as they are kept in the usual course of business or organized and labeled to correspond
 13 with the particular demands set forth below. If you choose the former method, the documents are to
 14 be produced in the boxes, file folders, bindings or other containers in which the documents are found.
 15 The titles, labels, or other descriptions on the boxes, file folders, bindings or other containers are to be
 16 left intact.

17 **INSPECTION DEMANDS**

18 19 **INSPECTION DEMAND NO. 14:**

20 ALL forms/exemplars of manual timesheets for use by California hourly temporary
 21 employees who worked on client sites from September 1, 2003, to the present.

22 **INSPECTION DEMAND NO. 15:**

23 All forms/exemplars of electronic timesheets for use by California hourly temporary
 24 employees who worked on client sites from September 1, 2003, to the present.

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1 **INSPECTION DEMAND NO. 16:**

2 All services and intelligence training documents regarding QA call topics.

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5 Date: June 20, 2008

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QUALLS & WORKMAN, L.L.P.

By: 

Daniel H. Qualls
Attorney for Plaintiff

PROOF OF SERVICE

I, Tammy M. Mazzullo, hereby declare:

I am employed in the City and County of San Francisco, California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Qualls & Workman, L.L.P., 244 California Street, Suite 410, San Francisco, California. On June 25, 2008, I served **PLAINTIFF VALERIE D. WATSON-SMITH'S THIRD SET OF INSPECTION DEMANDS** on the interested parties in this action via mail by placing a true copy thereof, on the above date, enclosed in a sealed envelope following the ordinary business practice of Qualls & Workman, for collection and mailing in the United States mail addressed as set forth below:

Alfred L. Sanderson, Jr., Esq.
SEYFARTH SHAW, LLP
400 Capitol Mall, Suite 2350
Sacramento, CA 95814-4428

I am personally and readily familiar with the business practice of Qualls & Workman for collection and processing of documents for mailing with the U.S. Postal Service, pursuant to which mail placed for collection at designated stations in the ordinary course of business is deposited the same day, proper postage prepaid, with the U.S. Postal Service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on June 25, 2008 in San Francisco, California.


Tammy M. Mazzullo

EXHIBIT L

SEYFARTH SHAW LLP
 Gerald L. Maatman, Jr. (SBN 06181016)
 131 South Dearborn Street, Suite 2400
 Chicago, IL 60603
 Telephone: (312) (312) 460-5000
 Facsimile: (312) 460-7000

SEYFARTH SHAW LLP
 Samuel T. McAdam (SBN 186084)
 Alfred L. Sanderson, Jr. (SBN 186071)
 Anthony J. Musante (SBN 252097)
 400 Capitol Mall, Suite 2350
 Sacramento, California 95814-4428
 Telephone: (916) 448-0159
 Facsimile: (916) 558-4839

Attorneys for Defendant
 Spherion Atlantic Enterprises, LLC sued herein as
 Spherion Pacific Workforce, LLC

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

VALERIE D. WATSON-SMITH, AND ALL
 OTHER SIMILARLY SITUATED,

Plaintiff,

v.

SPHERION PACIFIC WORKFORCE, LLC,
 and DOES 1 through 100, inclusive

Defendant.

Case No. C 07 05774 JSW

**RESPONSE TO PLAINTIFF'S THIRD
 SET OF INSPECTION DEMANDS**

F.R.C.P. 34

Superior Court of California, County of
 Alameda Case Number: 07348378

Complaint Filed: September 27, 2007

PROPOUNDING PARTY: PLAINTIFF VALERIE D. WATSON-SMITH

RESPONDING PARTY: DEFENDANT SPHERION PACIFIC WORKFORCE, LLC

SET NUMBER: THREE

Defendant SPHERION ATLANTIC ENTERPRISES, LLC, by and through its attorneys,
 Seyfarth Shaw LLP, and for its Response to Plaintiff's Third Set of Inspection Demands, hereby
 submits its Response to Plaintiff VALERIE D. WATSON-SMITH, states as follows:

PRELIMINARY STATEMENT

Spherion has not completed its investigation, discovery, or analysis, of all the facts of this

1 case and has not completed preparation for trial. Accordingly, each of the following responses is
2 provided without prejudice to Spherion's right to introduce in response to any motion or at trial
3 any evidence that is subsequently discovered relating to the proof of subsequently discovered
4 material facts. Moreover, facts, documents, and things now known may be imperfectly
5 understood and, accordingly, such facts, documents, and things, may not be included in the
6 following responses. Spherion reserves the right to reference, discover, or offer into evidence at
7 any motion hearing or at the time of trial any and all facts, documents, and things which they do
8 not presently recall but may recall at some time in the future.

9 **GENERAL OBJECTIONS**

10 The following general objections apply to the entirety of Plaintiff's Third Set of
11 Inspection Demands. The assertion of same, similar, or additional objections to the inspection
12 demands does not waive any of Spherion's general objections as set forth below.

13 1. Spherion objects to the Third Set of Inspection Demands and each specific request
14 to the extent that it imposes instructions, requirements, or limitations other or greater than those
15 set forth in the FRCP.

16 2. Spherion objects to each inspection demand to the extent that it seeks to impose
17 on Spherion responsibility for disclosing information not within Spherion's possession, custody
18 or control.

19 3. Spherion objects to each inspection demand to the extent that it is overly broad in
20 terms of time and/or scope, unduly burdensome, oppressive, vague, ambiguous, and/or
21 unreasonable.

22 4. Spherion objects to each inspection demand to the extent that it overlaps or is
23 duplicative of other inspection demands.

24 5. Spherion objects to each inspection demand to the extent that it seeks information
25 that is not relevant to this action or reasonably calculated to lead to the discovery of admissible
26 evidence.

6. Spherion objects to each inspection demand insofar as it requests the disclosure of any information protected by the attorney-client privilege or the attorney work product doctrine. No such information will be disclosed.

7. Spherion objects to each inspection demand to the extent that it seeks discovery of confidential, trade secret, proprietary, financial, or commercially sensitive information, the disclosure of which would constitute an invasion of the constitutionally protected right of privacy or could result in substantial competitive injury to Spherion or breach by Spherion of an obligation to another to maintain such information confidential.

SPECIFIC RESPONSES AND OBJECTIONS TO INSPECTION DEMAND

INSPECTION DEMAND NO. 14:

ALL forms/exemplars of manual timesheets for use by California hourly temporary employees who worked on client sites from September 1, 2003, to the present.

RESPONSE TO INSPECTION DEMAND NO. 14:

Defendant objects to this demand on the grounds that the phrases "forms/exemplars" and "manual timesheets" are vague and ambiguous. Defendant further objects to this request on the grounds it fails to identify the documents sought with a level of specificity to enable defendant to know the precise documents being sought. Defendant further objects to this request on the grounds that it is unduly burdensome, oppressive, overbroad and harassing, as it relates to timesheets for potentially thousands of different client sites.

Without waiving the foregoing, defendant responds as follows: Defendant has produced "forms/exemplars" of timesheets used by plaintiff in her role as a Cisco recruiter.

INSPECTION DEMAND NO. 15:

All forms/exemplars of electronic timesheets for use by California hourly temporary employees who worked on client sites from September 1, 2003, to the present.

RESPONSE TO INSPECTION DEMAND NO. 15

Defendant objects to this demand on the grounds that the phrases "forms/exemplars" and "electronic timesheets" are vague and ambiguous. Defendant further objects to this request on the grounds it fails to identify the documents sought with a level of specificity to enable

1 defendant to know the precise documents being sought. Defendant further objects to this request
2 on the grounds that it is unduly burdensome, oppressive, overbroad and harassing, as it relates to
3 timesheets for potentially thousands of different client sites.

4 Without waiving the foregoing, defendant responds as follows: Defendant has produced
5 "forms/exemplars" of timesheets used by Spherion's Cisco recruiter.

6 **INSPECTION DEMAND NO. 16:**

7 All services and intelligence training documents regarding QA call topics.

8 **REPONSES TO INSPECTION DEMAND NO. 16:**

9 Defendant objects to this demand on the grounds that the phrases "services and
10 intelligence training documents" and "QA call topics" are vague, ambiguous and unintelligible.
11 Defendant further objects to this request on the grounds it fails to identify the documents sought
12 with a level of specificity to enable defendant to know the precise documents being sought.
13 Defendant further objects to this request on the grounds that it is unduly burdensome, oppressive,
14 overbroad and harassing. Defendant further objects to this demand on the grounds the
15 information sought is protected by the attorney-client privilege and/or attorney work product
16 doctrine.

17 DATED: July 17, 2008

SEYFARTH SHAW LLP

18
19 By 

Samuel F. McAdam
Alfred L. Sanderson, Jr.
Anthony J. Musante

Attorneys for Defendants
SPHERION ATLANTIC ENTERPRISES LLC

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
 3 COUNTY OF SACRAMENTO) ss

4 I am a resident of the State of California, over the age of eighteen years, and not a party
 5 to the within action. My business address is Seyfarth Shaw LLP, 400 Capitol Mall, Suite 2350,
 Sacramento, California 95814-4428. On July 17, 2008, I served the within documents:

6 **DEFENDANT'S RESPONSE TO PLAINTIFF'S THIRD SET OF INSPECTION**
 7 **DEMANDS**

8 ☐ I sent such document from facsimile machine (916) 558-4839 on July 17, 2008. I
 9 certify that said transmission was completed and that all pages were received and that
 10 a report was generated by facsimile machine (916) 558-4839 which confirms said
 transmission and receipt. I, thereafter, mailed a copy to the interested party(ies) in this
 action by placing a true copy thereof enclosed in sealed envelope(s) addressed to the
 parties listed below.

11 ☒ by placing the document(s) listed above in a sealed envelope with postage thereon
 12 fully prepaid, in the United States mail at 400 Capitol Mall, Suite 2350, Sacramento,
 California 95814, addressed as set forth below.

13 ☐ by personally delivering the document(s) listed above to the person(s) at the
 14 address(es) set forth below.

15 ☐ by placing the document(s) listed above, together with an unsigned copy of this
 16 declaration, in a sealed Federal Express envelope with postage paid on account and
 deposited with Federal Express at Sacramento, California, addressed as set forth
 below.

17 Daniel H. Qualls
 18 Robin G. Workman
 Qualls & Workman LLP
 19 244 California Street, Suite 410
 San Francisco, CA 94111
 20 (415) 782-3660
 21 (415) 788-1028

David Sanford
 Meenoo Chahbazi
 Sanford, Wittels & Heisler LLP
 1666 Connecticut Avenue, N.W., Suite 310
 Washington, D.C. 20009
 (202) 742-7780
 (202) 742-7776

22 Grant Morris
 Law Office of Grant E. Morris
 23 1666 Connecticut Avenue, N.W., Suite 310
 Washington, D.C. 20009
 24 (202) 742-7783
 25 (202) 742-7776

Sandra R. McCandless
 Sonnenschein, Nath & Rosenthal
 525 Market St., 26th Fl.
 San Francisco, CA 94105-2708
 (415) 882-5000
 (415) 882-0300

26 I am readily familiar with the firm's practice of collection and processing correspondence
 27 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
 28 motion of the party served, service is presumed invalid if postal cancellation date or postage
 meter date is more than on day after the date of deposit for mailing in affidavit.

PROOF OF SERVICE

1 I declare that I am employed in the office of a member of the bar of this court whose
2 direction the service was made.

3 Executed on July 17, 2008, at Sacramento, California.

4 
5 Diana Gomez

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EXHIBIT M



FILED
ALAMEDA COUNTY

JUL 09 2008

CLERK OF THE SUPERIOR COURT

By William D. Adams
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

**WALLACE RALSTON, on behalf of
himself and all others similarly situated,**

Plaintiff,

v.

US-REPORTS, INC.,

Defendant.

Case No. RG07328773

**ORDER RE:
PRIVACY NOTICE/LETTER TO
PUTATIVE CLASS MEMBERS**

On May 30, 2008, this Court ordered that defendant US-REPORTS, INC. ("Defendant") produce the names and contact information of its field auditor and survey employees ("Putative Class Members") to a third party administrator, and that the administrator send a privacy notice/letter and enclosed self-addressed postcard by means of which each Putative Class Member will have the opportunity to "opt out" of having their contact information provided to counsel for plaintiff Wallace Ralston ("Plaintiff"). The costs of this process will be born by Plaintiff, subject to potential future recovery under applicable law.

In the interim, the parties have agreed, and the Court hereby orders, that (a) the notice/letter shall bear the letterhead, signature and contact information of the

third party administrator; (b) the third party administrator for the limited purpose of carrying out the terms of this order shall be RG2 Claims Administrator, LLC. (hereafter, "Administrator"); (c) that no contact information of any attorney for either party in the case shall be provided in the notice/letter; and (d) that each letter/notice shall include a self-addressed, stamped postcard bearing a case identification heading and the following text: "I, _____, do not want my name, address, email address or telephone number to be provided to Plaintiff's attorneys," together with labeled blank lines for signature, printed name and date.

The parties were unable to agree on the exact text of the notice/letter.

Accordingly, the Court hereby orders that the notice/letters read as follows:

"Plaintiff Wallace Ralston, who worked as an auditor of US-Reports from March 21, 2007 through May 16, 2007, has filed a class action suit in Alameda County Superior Court alleging that US-Reports failed to reimburse him for work related expenses he incurred in performing his job. As part of this class action, the Judge Freeman of the Alameda County Superior Court has ordered that US-Reports provide the address, e-mail address and telephone number of all field auditor and surveyor employees who work or have worked for US-Reports from January, 2007 on, unless those persons object to having this information disclosed. He has also ordered that this notice/letter be sent to you to provide you with the opportunity to so object.

**IF YOU DO NOT WANT YOUR ADDRESS, EMAIL ADDRESS
AND TELEPHONE NUMBER PROVIDED TO PLAINTIFF'S
ATTORNEYS, YOU MUST COMPLETE THE ENCLOSED POSTCARD**

AND RETURN IT WITHIN 30 DAYS FROM THE DATE ON WHICH THIS NOTICE/LETTER WAS POSTMARKED.

If you do not return the postcard, you may be contacted by Plaintiff's counsel for the purpose of gathering information about your work experience at US-Reports that may be related to this lawsuit. You are not required to talk to them unless you choose to do so. Nor are you obligated to discuss this lawsuit with attorneys representing US-Reports. Retaliation by your employer for providing or refusing to provide any information would be against the law."

Within one week of the date of entry of this order, Defendant shall provide the Administrator with the names, addresses, personal e-mail addresses (if available), and telephone numbers of all employees who work or have worked for U.S. Reports since January of 2007. This information shall be kept in strict confidence by the Administrator. Within one week after receiving the information from Defendant, the Administrator shall send the notices via First Class U.S. mail, or equivalent. Within one week after the deadline to return the opt-out cards has past, the Administrator shall provide counsel for both parties a list of the names and contact information of the Putative Class Members who have not opted out, together with a declaration that the process set forth in this order has been followed.

July 9, 2008
Date


Robert B. Freedman
Judge of the Superior Court

EXHIBIT N

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3
4

5 VALERIE D. WATSON-SMITH, AND ALL)
6 OTHERS SIMILARLY SITUATED,)

7 Plaintiff,)

8 v.)

No. C07-05774

9 SPHERION PACIFIC WORKFORCE, LLC,)
10 and DOES 1 through 100,)
11 inclusive,)

12 Defendants.)
13
14

15 Deposition of JOAN L. ORZO, taken
16 on behalf of the Plaintiff, at
17 244 California Street, Suite 410,
18 San Francisco, California, commencing
19 at 9:03 a.m., Friday, May 30, 2008,
20 before Karen Moon, Certified Shorthand
21 Reporter No. 12450.
22
23
24
25

JOAN L. ORZO

Page 27

1 A -- in that regard?

2 Q Yes, ma'am.

3 A No.

4 Q To your knowledge, when branch personnel
5 process manual meal period records for Spherion
6 employees, do they read the records to determine if the
7 records depict meal periods not taken?

8 A I -- I don't have any knowledge of that.

9 Q To your knowledge, does that take place?

10 A No.

11 Q When branch managers -- excuse me. Withdraw
12 the question.

13 When branch personnel process manual time
14 sheets for Spherion employees, is any effort made to
15 determine if Spherion employees are entitled to an
16 additional hour of compensation for missed meal breaks?

17 MR. SANDERSON: Objection. Vague, ambiguous.
18 Calls for a legal conclusion.

19 BY MR. QUALLS

20 Q You can answer.

21 A If it's -- as people are processing time
22 sheets, if they notice an employee is not taking a
23 lunch, we would typically go back to the client and ask
24 them why, to find out what took place there.

25 Q And how do you know that happens?

Page 28

1 A I don't.

2 Q You have no knowledge of whether or not that
3 ever takes place; correct?

4 A I don't have firsthand knowledge, no.

5 Q Has anyone ever told you that that process
6 takes place?

7 A Yes.

8 Q Who?

9 A Managers will call, and they'll say that they
10 have seen an employee that hasn't taken a lunch, and
11 what should they do about that. I tell them they need
12 to go back and find out why.

13 Q In a circumstance where an employee has not
14 taken a lunch, as depicted on a manual time sheet, is
15 the employee paid an extra hour of compensation?

16 A They're paid for the time that they worked.

17 Q Are they paid an additional hour's
18 compensation, where the meal period record depicts a
19 meal period not taken?

20 A I don't know.

21 Q Have you ever instructed anyone at any time
22 that employees for whom meal period records maintained
23 manually or electronically depict a meal period not
24 taken, they are to be paid an extra hour of
25 compensation?

Page 29

1 A I've told managers that's a potential,
2 depending upon the circumstances.

3 Q Have you ever instructed anyone to pay an
4 employee an extra hour of compensation for a meal period
5 not taken as depicted on a meal period record?

6 A I've never been asked that question. So no.

7 Q To your knowledge, has Spherion ever paid an
8 employee an additional hour of compensation where the
9 employee's meal period record depicts a meal period not
10 taken?

11 MR. SANDERSON: Objection. Calls for
12 speculation.

13 BY MR. QUALLS

14 Q You can answer.

15 A I have no knowledge of that.

16 Q To your knowledge, do pay statements provided
17 to Spherion employees identify compensation paid for the
18 absence of meal period breaks?

19 MR. SANDERSON: Objection. Vague and
20 ambiguous.

21 Do you understand it?

22 THE WITNESS: I do. I think I do. If I
23 understand it correctly, you're asking if the pay
24 statement that a temporary employee would receive would
25 show where they were paid when they didn't take a meal

Page 30

1 break?

2 BY MR. QUALLS

3 Q Yes.

4 A Is that correct?

5 Q Yes.

6 A I don't have that information. I don't know.

7 Q Have you ever seen such a pay statement?

8 A No.

9 Q Has anyone ever told you that such a pay
10 statement has ever existed?

11 A No.

12 MR. SANDERSON: Can I get clarification.

13 Maybe I don't understand. Maybe I'm the only one.
14 You're talking about a pay statement that would show the
15 additional hour of compensation, not the time worked?

16 MR. QUALLS: Or hours. Additional
17 compensation for missed meal period breaks.

18 MR. SANDERSON: In terms of -- the penalty
19 wage; right?

20 MR. QUALLS: Well, yes. We can quibble over
21 what it is. But right. The compensation for a missed
22 meal period break.

23 MR. SANDERSON: That's how you understood it;
24 right?

25 THE WITNESS: That it would reflect that

8 (Pages 27 to 30)